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HISTORICAL MANUSCRIPTS COMMISSION.

TWELFTH REPORT, APPENDIX, PART VIII.

THE MANUSCRIPTS OF THE DUKE OF ATHOLE, K.T., AND OF THE EARL OF HOME.

Presented to both Houses of Parliament by Command of Her Majesty.

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SECOND REPORT ON THE MUNIMENTS OF HIS GRACE THE DUKE OF ATHOLE, K.T., AT BLAIR CASTLE, BLAIR ATHOLE.

The first report on the valuable collection of ancient Charters relating to the Earldom of Athole is printed in the sixth report of the Commissioners [Appendix, pp. 703–716]. The present report refers to the correspondence, which is very extensive, and of historical importance.

The first section of this Report includes the letters addressed by several Sovereigns of Scotland to various members of the family of Athole. The first of these bears the signature of King James the Third, and, though not a letter in the modern sense of that word, is so styled in the body of it. It is dated in August 1473, and appoints Sir William Murray of Tullibardine to be Stewart of Strathern during the King's will, with full power to hold Courts and punish offenders within the stewartry. This appointment was renewed for his life to Sir William Murray or to his son of the same name on 18th January 1482–3 [No. 2 *infra*]. By this writ the office of Stewart or Seneschal of the Earldom of Strathern, and the lordship of Balquhidder, was conjoined with those of Keeper of the Royal Forests, and "Coronator" within the bounds. This grant of 1483 has been stated to be the first bestowal of the office of Stewart of Strathern, but, as shown in the previous grant, the office was conferred ten years earlier. The office of Stewart of Strathern thus granted to Sir William Murray was the temporary revival in his person of the position held by the possessors of the barony of Tullibardine under the ancient Earls of Strathern. The ancient descent of the family of Murray of Tullibardine, now represented by His Grace the Duke of Athole, was, in the former report, only casually referred to; and, in connexion with this revival of an ancient office, a few words on this subject may be added.

There is no need to dwell on the origin of the ancient and powerful family which took their name from the province of Moray, where, so early as the time of King David the First, in the twelfth century, they had extensive possessions. Between 1203 and 1214 Hugh Freskyn, ancestor of the Earls of Sutherland, conferred on Gilbert de Moravia, Archdeacon of Moray, certain lands in Caithness. Gilbert became Bishop of Caithness, and was canonised after his death in 1245. He had two brothers, John and Richard de Moravia, the first of whom is claimed as the ancestor of the family of Tullibardine. He is named as Sheriff of Perth before 1219. His son Malcolm was also Sheriff of Perth, and his son, William de Moravia, became, in 1284, the first lord of Tullibardine. He acquired these lands with his wife Ada, daughter of Malise, Seneschal, or Stewart of Strathern, whose ancestors had been Stewarts of Strathern before 1200, or as far back as there are extant charters of the earldom. From William de Moravia, first of Tullibardine, and Ada, his wife, have descended, from father to son, the Murrays, Earls of Tullibardine, Marquises and Dukes of Athole. In 1473, therefore, the Stewartry of Strathern was revived in the descendant of the ancient possessor of the office, though it did not remain with the family of Tullibardine, but was afterwards

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bestowed heritably upon Sir John Drummond of Cargill, ancestor of the Earls of Perth.

The letter by Queen Mary [No. 5 *infra*] was addressed to Margaret, Countess of Athole, widow of John Stewart, fourth Earl of Athole, who had died, not without suspicion of poisoning, on 20th April 1579 [cf. No. 58 *infra*]. The Earl of Athole was interred, it is said, with great magnificence in the Church of St. Giles, Edinburgh. King James the Sixth, then a boy of thirteen, gave permission, under his own hand, that the Earl's remains should be laid "ewest [near] our dearest uncle and regent, of gude memorie the Erll of Murray." [No. 4 *infra*.] There was a formal inquest held upon the deceased Earl's body, in presence of the King and the Privy Council, at Stirling on 16th June 1579, but the evidence seems to have been conflicting and more curious than scientific, though Alexander Preston, "Doctor in Medicine," was a witness. The young Earl of Mar, son of the lately deceased Regent Mar, and his mother, Annabella Murray, of the Tullibardine family, were accused of the crime, but, probably, without reason, and it would appear that the deceased Earl of Athole had been an invalid for at least a year before his death, as there is, at Blair Castle, a royal permit to him to go abroad for preserving his health. It is, however, to the suspicions against the Earl of Mar and others accused of causing the Earl of Athole's death that Queen Mary refers in the first part of her letter to the Countess. In the Queen's allusions to her son, the young King, she retains a maternal remembrance of the infant she had left behind her when she fled to England. In the letter now reported on, Mary appears in a favourable light, showing a motherly regard for her son's welfare, and anxiety about the state of his health. She refers to certain of his youthful ailments as having been endured by herself when she was of the same age as her son.

The Earl of Athole, son of the Countess, Queen Mary's correspondent, died in 1595, leaving no male issue. The eldest of his four daughters, Lady Dorothea Stewart, married William Murray, second Earl of Tullibardine. In 1626 he petitioned King Charles the First that in right of his wife the title of Earl of Athole might be bestowed on him, as all heirs male were extinct, to which the King consented; but the Earl died before the arrangements were completed, and his son John became Earl of Athole. It is to this second Earl of Tullibardine that the letter [No. 7 *infra*] was addressed by King James the Sixth in view of a visit to his "native Kingdome" in the year 1617. The King's letter is characteristic in its phraseology; and, in his desire to have, at an early point of his journey, a foretaste of the dainties of his northern realm, the requisition to the Earl is that he may send forward "capercaillies and termigantis" (ptarmigan) to meet the King at Durham, adding, "The rarietie of these foules will both mak their estimation the more pretious, and confirme the opinion conceaved of the good cheare to be had there." The reference to the rarity of capercailzie is of some interest in these days, when great efforts are being made to naturalise the bird again in Scotland after having been long extinct there. The second Marquis of Breadalbane claimed that he succeeded in again restoring the capercailzie to Perthshire. We get also a glimpse of another wild animal, now unknown in Scotland, but which long infested the country, in a letter by an unknown writer, addressed, in 1604, to the "lord of Atholl," and *inter alia*, requesting the loan of a "leische of houndis" with which to hunt the wolf. The writer promises faithfully to restore the hounds and to lend his own when his correspondent hunts [No. 59 *infra*].

John Murray, first Earl of Athole of that name, was the recipient of the letter [No. 61 *infra*] from Archibald, Earl (afterwards Marquis) of Argyll, requesting a meeting at Perth to take measures against the "lymmeris and brokin men" who then kept the Highlands in a state of turmoil. It has been stated by some that the Earl of Argyll used his commissions against such outlaws as a means of concussing those in the north opposed to his party, and a contemporary writer states that the Earl of Athole himself, and eight other gentlemen, were surprised and made prisoners. This took place apparently in 1640, and the Earl was brought to Edinburgh and detained there, as we learn from his remonstrance and appeal, addressed to the Committee of Estates and the Earl of Montrose. Of these letters the drafts, dated 7th September 1640, are reported on [No. 63 *infra*]. Argyll's view of the matter, which led to Athole's arrest, may be found in letter of date 30 May 1640 [No. 62 *infra*] in which the former states that the latter had been "averse from giving satisfaction" to the Committee of Estates. Argyll is afraid the Committee may be "forced to some hard course to distingwishe their friends from their enemyes." The Earl of Athole attached himself to the Royalist party, and probably gave but a tardy response to the letter of the Committee of Estates which they addressed to him about March 1640 [No. 64 *infra*], advocating a hearty union for the preservation of religion, life and liberty against the royal encroachments on these. Hence the dissatisfaction of Argyll.

The Earl of Athole's conservative opinions led him to join in the famous Bond by Montrose, known as the "Cumbernauld Band." It is said to have been written at Cumbernauld in August 1640; but this may be doubted, as Montrose, who was still a Covenanter, was then with the Scottish army on the Borders, and the fact of the Earl of Athole's detention in Edinburgh shows that his signature, at least, must have been appended at a later date. On 2nd March 1641, however, the Earl of Athole received a summons from the Committee of Estates to explain his reasons for subscribing the Bond referred to [No. 65 *infra*]. Three other missives of the same date [Nos. 66–68] were also sent to the Earl, whose activity, in the cause of the Committee, did not correspond to their expectations. Indeed, all the letters addressed to the Earl about this period, and especially the two undated ones [Nos. 69, 70], signed by General Alexander Leslie, show that the Earl of Athole, and his district generally, were in no wise very responsive to the demands of the Covenanters, either for men, money, or the subscription of the Covenant.

The first Earl of Athole was succeeded, in 1642, by his son the second Earl. He is said to have taken an active part with the Royalists under Glencairn in 1653, but no papers remain to attest the fact. It was to his kinsman and brother-in-law, the Earl of Tullibardine, that the letter [No. 74 *infra*], of date 30th August 1651, was written by the Earl of Loudoun. The letter is an urgent appeal for help against Cromwell and his "sectaries," who had, two days before, taken prisoners the Earl of Leven and other noblemen. A letter from Oliver Cromwell himself, addressed to General David Leslie, is given in No. 73 *infra*. It bears no date, but must have been written a month or two before the battle of Dunbar in 1650, while yet the two armies were watching each other's movements. It is simple and plain spoken in its tone. To the Countess of Tullibardine was written the letter [No. 75 *infra*] giving a glimpse of the situation between the Royalist army and that of Cromwell's, before the King's sudden march into England in 1651.

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The second Earl of Athole was created a Marquis in 1676. None of the letters at Blair Castle, addressed to him before that date, are important. But the epistles of 1677 and 1679, both apparently to the Marchioness of Athole, the one written by H.R.H. the Duchess of York and the other relating to the Princess Mary, and her marriage to the Prince of Orange, are of interest [Nos. 13 and 85 *infra*]. In 1678 the Marquis was in the West with the Highland host, and the letter [No. 86 *infra*], apparently written by his eldest son, who was styled Lord Murray, gives a glimpse of the situation. In 1684 the Marquis was appointed Lieutenant of Argyllshire, with powers of intromission over the estates of the Earl of Argyll, who had been forfeited in the year 1681. Argyll had escaped to Holland, and it may be that some news of his doings, and those of the Duke of Monmouth, had led the Government to establish the head of the Athole men in the stronghold of Argyll. At all events the Marquis of Athole's presence tended to check the expected rising of the Argyllshire Highlanders when a descent was actually made by their chief in May 1685. The result is well known. After a short, inglorious, and comparatively bloodless campaign, the Earl of Argyll was made captive, and beheaded, at Edinburgh, on 30th June 1685. The particular history of the affair—the Marquis of Athole's occupation of Argyllshire, his dealings with the Privy Council, on the one hand, and with those opposed to him, on the other, may be learned from the papers detailed in the second division of this report. The first Marquis of Athole died in May 1703, and was succeeded by his eldest son, who, as John, Lord Murray, was for some time Secretary of State, and was created, in 1696, Earl of Tullibardine for life. He took an active part in State affairs, and to him most of the correspondence betwixt 1686 and 1715 is addressed. We have, in the letters of this period, various indications of the condition of Scotland, interspersed with news of the war in Flanders, and the proceedings there. A letter dated 3rd January 1689 [No. 91], partly written by the Marquis of Athole, Lord Murray's father, refers to an attempt by the Jacobite Earl of Perth to escape, frustrated by the vigilance of the Marquis. The letters of the year 1689, which are addressed to Lord Murray by parties on both sides of politics, show sufficiently the difficulties with which a great Highland Chieftain had to contend. Lord Murray especially was in a delicate position. His father was absent in England, suspected of being friendly to King James. He himself, as was natural, was very anxious that the armies should not pass near his property, which was liable to be pillaged by one as readily as by the other [cf. No. 96]. Doubts have been expressed as to Lord Murray's conduct on the eve of the battle of Killiecrankie, but he seems to have been faithful to Mackay, though his highlandmen, in their fondness for plunder, broke away from his control, and pillaged the retreating Royalists. Lord James Murray (of Dowally), a younger brother of Lord Murray, openly put himself at the head of the Athole men who joined the Jacobites. He did so, it is alleged [No. 116], that he might control the propensities of the Highlanders, and save his father's houses from ruin. Later, Lord Murray, by his influence, induced his clan to desert the rebel leaders; but it would appear that, though General Mackay exonerated Lord Murray from blame, the Royalist troops made considerable havoc in the Athole district [cf. Nos. 110, 116]. The letters relating to the rising of 1689 will be found in Nos. 96 to 116, the last of which contains a short notice of the gallant defence of Dunkeld by the Cameronians. One or two

minor historical points emerge from these documents. General Mackay, in his Memoirs, says he reached Perth "about the 22nd or 23rd of July," a statement which has been found difficult to reconcile with his reaching Killiecrankie on the 27th. But his own letters, as now reported, show that he reached Perth only on the 25th July, going the next day to Dunkeld, thus arriving at Killiecrankie on the 27th.

Another point, which has given rise to much controversy, is the death of Dundee at Killiecrankie. Several historians have maintained that Dundee was not killed on the battlefield; and that, although mortally wounded, he was carried alive to Blair Castle, the head-quarters of his army, a distance of three miles, and there wrote a letter to King James, giving an account of his victory, and stating that his wounds were not mortal. Mr. Mark Napier, in his memoirs of Dundee, has printed that letter [Vol. III., pp. 652–3] and maintained its authenticity with characteristic vehemence [*ibid.*, pp. 657—672]. The original letter is not known to exist, and no evidence is afforded of its having ever been seen. James Macpherson, of Ossian fame, published the letter from a copy of it preserved in the Bodleian Library, Oxford. The copy letter is said to be in the handwriting of the period, on one side of a sheet or leaf of paper, and the Speech of Dundee to his army on the other side.

Lord Macaulay's account of the death of Dundee is in his usual graphic style. He explains that the horse (Lord Dunfermline's regiment of cavalry) hesitated to advance; "Dundee turned round, stood up in his stirrups, and, waving his hat, invited them to come on. As he lifted his arm, his cuirass rose and exposed the lower part of his left side. A musket ball struck him: his horse sprang forward and plunged into a cloud of smoke and dust, which hid, from both armies, the fall of the victorious General. A person named Johnstone was near him and caught him as he sank down from the saddle. 'How goes the day'? said Dundee. 'Well for King James,' answered Johnstone. 'But I am sorry for your Lordship.' 'If it is well for him,' answered the dying man, 'it matters the less for me.' He never spoke again; but when, half an hour later, Lord Dunfermline, and some other friends, came to the spot, they thought that they could still discern some faint remains of life. The body, wrapped in two plaids, was carried to the Castle of Blair." In a note to that passage Lord Macaulay adds: "Macpherson printed a letter from Dundee to James, dated the day after the battle. I need not say that it is as impudent a forgery as Fingal." [History of England, Vol. III., pp. 362–3.]

Among the authorities referred to by Macaulay are the depositions of Nisbet and Osburne, two of the witnesses examined in the process of forfaulture against the representatives of Dundee. These witnesses depose as to seeing the dead body of Dundee on the field of battle. Another witness is even more explicit on the point. James Malcolm, son to the Laird of Balbadie, had joined in arms with Dundee at the Glen of Ogilvie in May 1689. He was afterwards with Dundee at Killiecrankie, and he deposes "that he saw the said late Viscount of Dundie lyeing dead of the wounds he receaved that day in the feight."

Another and more recent historian thus describes the alleged letter of Dundee to James:—"The letter is so happily expressed as to be a forgery on its face; for, it is not to be imagined that he who vainly struggled after grammar, with all his senses with him, would command it when mortally wounded and utterly unfit for that species of command with which he was familiar. The tenor of the rapid events of the day,

as well as the testimony of the witnesses so often referred to, shew that he expired speedily." [Burton's History of Scotland (1689–1748), Vol. I., pp. 133, 134 n.]

After all that has been written by partisans on both sides it was hardly to be expected that any additional evidence would be discovered bearing specially on the death of Dundee. But there have been discovered, in the Athole correspondence, two letters which have a direct bearing on the subject. The first is from Lord James Murray of Dowally to his brother, then Lord Murray, afterwards first Duke of Athole. It is dated from Tullimet, 28th July 1689 [No. 107]. Tullimet is situated in the parish of Logierait, being the adjoining parish to Moulin, in which Killiecrankie is situated. Lord James Murray, the writer of the letter, took part in the rising along with Dundee. As Dundee's head-quarters were at Blair Castle, Lord James' brother, Lord Murray, was anxious for the safety of the muniments of his father, the Marquis of Athole, to whom Blair Castle belonged. Lord James informs his brother that he had written to Dundee about his father's papers, and had heard of Dundee "being killed." Lord James had the best means of information, being in communication with both parties engaged in the rising, and his testimony, on the day following the evening of the battle, of Dundee "being killed," disproves the story of his having been carried alive, three miles, to Blair Castle, and there writing a letter to King James, boasting of his victory, and treating his wounds as not "mortal."

There is still another letter, dated also from the same place of Tullimet, 29th July 1689—two days after the battle on the evening of the 27th. The writer was Thomas Stewart, proprietor of the estate of Stenton, near Dunkeld, but then at Tullimet. He explains the proceedings of the adherents of King James, and their threats against all who would not join them. He adds that "their orders, since the death of Dundee, are given out by one Cannone, ane Scots officer, who cam from Irland." There were none killed of Dundee's party, save Dundee himself, two brothers of Glengarry, a second son of Sir Donald Macdonald, one Robert Ramsay, and Piteur, who was deadly wounded. It is added: "My Lord Dundie was shot dead one the head of his horse." The writer is very precise in his information, and he draws a distinction between the shooting dead of Dundee and the deadly wounding of Halyburton of Piteur, who died afterwards.

These two letters are new and important evidence on the disputed question. They corroborate the previous evidence that Dundee was killed on the battlefield.

Another letter in the Collection [No. 126] is an important testimony to the tragic fate of the Viscountess of Dundee at the "Castle of Antwerp" in Utrecht. Like the death of Dundee himself, the death of his Viscountess has also formed the subject of controversy. It has been said that the roof of the room in the "Castle of Antwerp," in which she was staying for a night, was purposely injured, by the landlord, and some of his accomplices, cutting the beams which supported the roof. Upon a signal being given they let it fall in, to smother the whole company of Jacobite friends who were there assembled. [Napier's Memoirs of Dundee, Vol. III., p. 677]. It is well known that Dundee's widow married, a few years after his death, Alexander Livingstone of Kilsyth, known as Viscount of Kilsyth, and that she met a tragical fate in Holland. The exact circumstances of her death, however, have never been clearly understood, and the letter [No. 126] now reported on, from one who was actually in the house, where the Viscountess met her death,

will be read with interest. The writer of the letter, Mr. Stewart, who is not identified, states that it was owing to the weight of turf or peat used as fuel, and stored in the chamber, immediately above that of the Viscountess, in the "Castle of Antwerp" in Utrecht, where the lady was, that the catastrophe happened. The joists of her chamber suddenly gave way, under the great weight of 300 tons of fuel, and she, her infant son, and her maid, were buried in the ruins, her husband, and Mr. Walkinshaw of Barrowfield, being also injured, but not fatally. The letter now reported on was written immediately after the event. But another letter, also by an eye witness, printed in a privately circulated work, "The Edmonstones of Duntreath," 1875, adds the fact that the bodies of the mother and son were embalmed. The fatal accident took place on 16th October 1695; and, in 1795, exactly a century later, much interest was excited by the embalmed bodies being discovered, in the family vault at Kilsyth, in a state of remarkable preservation. The vault was, some years later, closed up.

The letters to Lord Murray, afterwards Earl of Tullibardine, and the other letters here reported, between 1692 and 1700 [Nos. 117–146], refer chiefly to the lawless condition of the Highlands of Scotland. Complaints similar to that of Viscount Tarbat [No. 140] poured in on the Government from all hands, and suggestions for remedies were not wanting, as in No. 120. Another letter of Viscount Tarbat [No. 146] is also interesting in what he says as to the Island of Inchkeith, in the Forth, and his recommendations to the Government to fortify it. A letter in the peculiar style of Simon Fraser, afterwards famous as Lord Lovat, will be found at No. 143. The case of Cornelius Con, reported by the Lord Advocate in No. 139, has a considerable resemblance to, and may have suggested the treatment of, Lady Grange at a later date.

The letters to Lord Murray after he became Duke of Athole, and during the reign of Queen Anne, call for no special mention; but attention may be directed to the sarcastic sketch of political parties by George Lockhart of Carnwath [No. 154]. Some school-boy letters of Lord George Murray, afterwards the famous leader in the rising of 1745, will be found in Nos. 158, 159. There are two letters from the famous Rob Roy [Nos. 152 and 161], the second of which contains a half humorous complaint against the Duke of Montrose, with whom he had, shortly before, fallen into money difficulties. In this epistle, Rob Roy concludes "there is vast differs [difference] between Dukes," and extols the Duke of Athole; but his mind underwent a change some years later after his seizure and imprisonment, in 1717, by that Duke, referred to in No. 180. The freebooter, shortly after his capture or surrender, escaped, apparently owing to connivance of his captors, the Athole men, while the military were on their way to receive his person, and, three weeks afterwards, on 25th June 1717, he fulminated a manifesto "to all lovers of honour and honesty," complaining in no measured terms against the Duke of Athole, who "coy-duk'd" him. ["The Red Book of Menteith," by William Fraser, 1880, Vol. I., p. lxxiii.]

The letter, No. 162 *infra*, written in May 1714, gives a curious glimpse into the manners and customs of Edinburgh society of the period. A later letter by the same writer [No. 164] shows that Queen Anne's death was not deeply regretted by her Scottish subjects. The letters [Nos. 165–177] referring to the insurrection of 1715 relate chiefly to the conduct of the Duke of Athole's own family.

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There are also, in the Athole Charter chest, a number of letters between the years 1715 and 1744, which are not here reported in detail. They, in general, relate to the state of the Highlands, the independent companies, various murders and other lawless doings, but are, as a rule, not of special public interest.

The papers in the Athole Charter chest, relating to the Rebellion of 1745–6, are numerous, but, owing to special circumstances, access cannot be obtained to them for a detailed report of their contents. An inventory of these, and other Athole papers, was prepared by the late Mr. Carrington, who was, for some time, a private secretary to John, fourth Duke of Athole. The inventory bears date 29 September 1830, and a description, from that inventory of the correspondence and papers, relating to the Rebellion of 1745–6, is appended to the present report.

The papers now reported on are arranged as follows:—

Division I.—Royal Letters, 1473–1715.

Division II.—Papers relating to the Marquis of Athole's Lieutenancy in the Shires of Argyll and Tarbet in 1684 and 1685.

Section 1. Reports, Depositions, and other Papers.
Section 2. Letters from the Privy Council to the Marquis of Athole.
Section 3. Miscellaneous Letters relating to Argyll's invasion.

Division III.—Miscellaneous Correspondence, 1579–1721.

To this Division is appended also a brief Inventory of Correspondence and Papers relating to the Rebellion of 1745–6.

Division I.—Royal Letters, 1473–1715.

1. Letter under the Privy Seal of King James the Third appointing and constituting William of Murray of Tullibardine, Knight, Stewart of Strathern, giving him full power to hold courts, punish offenders, &c., within the said Stewartry, and to do all other things which properly belong to the office of Stewart, also constituting Sir William the King's Forester, and also Coroner within the same bounds. This letter to endure for the King's will. Dated at Edinburgh in August 1473. Signed by the King. [The date is worn away.]

2. Letter under the Great Seal appointing Sir William Murray of Tullibardine, Stewart of the Earldom of Strathern, and lordship of Buthquhidder, for the term of his life, with the offices of Keeper of the Royal Forests, and of Coroner within the bounds of the said Earldom, giving him full power to hold courts, punish transgressors, and to do all other things which to the said offices belong. Dated at Edinburgh, 18th January 1482–3.

3. Letter under the Privy Seal of King James the Fourth granting to Sir William Murray of Tullibardine, Knight, for his faithful service and because of his age, exemption from attendance on any temporal

court or passing upon any assize, except he be charged thereto by the King in person; and charging all the King's officers to observe such letters. Dated at Stirling 20 April 1507.

4. Letter King James the Sixth to John Stewart, Earl of Athole. 24 May 1579.

Richt traist cousing we greit zou hertlie weill. Vnderstanding the corps of our richt traist cousing, and counselour, zour fader, now resting with God, to be zit vnburyed, and that we think meitt that our nearest freindis and kynnismen departing this lyff, in our aige, suld be placed in buriall ewest others, and that in sic honorable and publict places as we mycht the rather be moved to remember thame, and thair gude service, in thair lyvetymes, and thair posterities for thair sakes, As specialie we wishe the corps of our cousing zour fader to be convoyed to Edinburgh, and thair placed ewest our dearest vncle and regent of gude memorie, the erll of Murray, quhilk we doubt not salbe honorable for zou, and to ws it wilbe acceptable. Thus we committ zow in the protectioun of the Almichtie. At our castell of Striueling, the xxiiii of Maij 1579.

James R.

To oure richt traist cousing the erll of Athole.

5. Letter (entirely in the Queen's own handwriting) Mary Queen of Scots to the Countess of Athole. 18 March [c. 1580].

My good Anti, I hard, be my Secreterai, your fethful good will and keer touards me, as also off yowr too sisters, and am herteli sori that he miht not schou his commission to my soon, for it had been for his well and myn too, as he is lik to perseeaeu, be the dealings off our fals traitours, that, not content off yowr good lords death be poisini[n]g him so vikedli, bot, as I hir zet, conseld yowr soon to agri with his murtherer and meri on off his greatest frindes dauchter, a great ennemy to me, by yowr consent, that I am sur yow would neuuer hauue giuuen on makin yowr frindes privi to it. Wel, qhuosouuer is wise hath caus nou to look about them, for me soon, and all thes he lyks or trusts in, ar in as great deanger nou as euuer they war, and my poor boy as sor enuied as euuer I was, for as young as he is; bot the Stuarts nou is all in on rank lyk to fil that they war neuer med off bot to serve vthe[r] folkes tournes. I am sur yow schal hir mor. Nau seeth that he vnderstood not be yowr sister that yow wald hauue had the toknes, for he wald wilingli haif lef them vith yow. I pray yow enquir qhuat Dem Corsbi hes doon with the litle goons. I wald nou me soon had them, and knou off me soon iff he hes had me book and pictur; the Lord Seiton had the last, and G. the book. I pray yow let me hir the treuth off his helth, for sum fires me that he is sikli and not lyk to liue. I had me self a great siknes and indigestion off stomak in his zeres, and vill not fir fort that; bot let me knou if he hes any schort end or host: for Gods seek tak hid to him and see him offt. God wats qhiou sor I hauue forthocht that I pat him not at the fu st with yow, qhuan I was so great a ful as to trust that vnthankful fals woman. God will redres all our wrangs on day, qhuom I besik to hauue yow and yours in his protection. Commend me to yowr sisters and yowr dauchter. This xviii off Marche.

Your loouing and asured good cusignes and frind.

Marie R.

To my richt trusty cusignes the Contes off Athel.

6. Letter by King James the Sixth, relative to a contract between Sir John Murray of Tullibardine and Ludovick, Duke of Lennox, as to

the lands of Balquhidder, promising to maintain Sir John in these lands. And, because certain persons in these lands, not dependent on the lord thereof, by pretended assignations of their goods, defraud their own masters, his Majesty wills the removal of such from the lordship. Dated ——— 1586. Signed by the King.

7. King James the Sixth to the Earl of Tullibardine.

James R. Right trustie and right welbeloued cosen and counsellour, wee greete yow well. Albeit our knowledge of your duetifull affection to the good of our service, and your cuntries credite, doeth sufficientlie persuade vs that yee will earnestlie endevour your selfe to expresse the same, be all meanes in your power; yet there being some thinges in that behalfe requisite whiche seeme, notwithstanding, of so meane moment, as, in that regaird, both yee and others might neglect the same, yf our loue and care of that our natiue kingdome made vs not the more narrowlie to trie the nature and necessitie, and accordinglie to giue order for preparation of everie thing that, in any sorte, may importe the honour and credite thereof: whiche consideratione, and the knowne commoditie yee haue to prouide capercaillies and termigantis, haue moved vs hereby, verie earnestlie, to requieste yow to imploy both your owne paines, and the travellis of your freindis, for provision of some of each kind of the saidis foules to be, now and then, sent to vs be way of present, be meanes of our deputie thesaurer, and so as the first sent thereof may meit vs the 19th of Aprile at Durhame, and the rest as wee shall happin to lay and rancounter them in other places on oure way frome thence towardis Berwick. The rarietie of these foules will both mak their estimation the more precious, and confirme the opinion conceaued of the good cheare to be had there. For whiche respectis, not doubting but yee will, so much the more earnestlie, endevour your self to giue vs good satisfaction anent the premisses, as yee will doe vs acceptable service, wee bid yow farewell. At Whitehall the 14th of March 1617.

8. Letter King Charles I. to the Earl of Traquair as to the Earl of Tullibardine's pension.

Charles R. It is our pleasure that with diligence yow pay vnto our right trustie and welbeloued Cousen and Councellour, the Earle of Tullibardine, or his assignes, the whole arrears of his pencion due vnto him, and that, immediatly therevpon, yow see his pencion legalie surrendered, that hereafter our Exchequer may be fred of that charge. And it is likewise our pleasure that yow pay vnto him, or them, such fies as shalbe found resting due vnto him, as keepar of our forrest of Glenalmond: for both which these presents shalbe your warrant. Given at our Mannour of Gree[n]wich the 28th June 1637.

To our right trustie, and welbeloued Cosen and Councellour, John Earle of Traquare, Lord Treasurer of Scotland.

9. King Charles II. to the Earl of Athole. Perth, 30th September [1650].

My Lord Athole, What I writte to my Lord Tillibardine was to you too, and I am aboundantly satisfied with your answeare and resolutions: continew in these endeauors and be in as good and [. . . .]ous a posture as the present condition of your affaires will permitte. You may be assured that I haue a particular care of you, and when it is opertune will giue you a testimony of my respects and will euer remaine, your affectionate frind

CHARLES R.

St. Johnstone September 30.

10. The same to the same. Cortachie, 4th October 1650.

My Lord, thais ar to certifie yow that I am now in Anguss this Fryday at night and it is my expres will and desyr that your lordship, with all your freindis and followaris, fute and horses, repair to me with all imaginable dilligence and cume to the head of Cloway quhair ze shall receave further ordours.

Your very louing frind,
CHARLES R.

Cortachie 4 October 1650.

11. The same to the same. Perth, 6th October [1650].

My Lord Athole I command you that, vpon sight hereof, that you lay doune armes, and lett evry man returne to his owne home, and likwise all that are with you do the like. I am, your affectionat frind
CHARLES R.

St. Johnstone October 6.

12. The same to the same, as Lord Privy Seal. 4th August 1675.

Charles R. Right trustie and right welbeloved Cousin and Councellor, Right trustie and welbeloved Councellor, We greet yow well. Althogh we have approved the proposition made to us by our Privie Councill for putting small garrisons in such places in that our kingdome, where scandalous feild conventicles have been kept of late, (which we hope may be a meanes to curb that fachous humor) yet, because we will leave no lawfull way unattempted which may probably tend to the peace and quiet of that our kingdome. And becaus we have reason to beleiv that our good people are ingaged into such seditious courses, by such preachers who have been declared fugitives, and yet runne up and doune to stirr up the people to sedition by feild conventicles, and that if they were apprehended our people wold be quiet: Therfor we doe authorize yow to imploy such persons as yow shall thinke fitte to apprehend Welsh, or such of those preachers at Feild Conventicles as are, or shall be declared, fugitives, and to bring them to prison, with power to yow to promise sutable rewards for this service,—The whole not exceeding five hundred pounds sterlin; and we shall immediatly dispatch precepts to our Thesaurie for such summes as yow shall promise. And, becaus this requires the greater secrecie, we have made choyse of yow two, of whose zeale for our service we have had great and many experiences: so, not doubting of your diligences, we bid you farewell. Given at our honor of Hamton Court the 4th of August 1675 and of our reign the 27 yeer.

By his Majesties command
LAUDERDALE.

13. Letter H.R.H. the Duchess of York (Mary of Modena) to the "Marquisse of Atholl." [c. 1679.]

St. Jamsis the 18 of March.

I beleeue you will wonder as mutch to haue no answer of your letter to me as i did to be so long without any from you, for i had not yours of the 2d till within these three or four days: the truth is, if i had had it before, i had hardly been able to answer it, for i haue had no time to myself at all between the company, and my owne werinesse for my iourney, wheich no sooner ouer but i gott a uiolent cold, for which i was forced to keep my bed som days, and be lett blood; now i thank God i am quitt well, and haue been this weeke in this howse, wher I am always better plaised then in any other, beeing near my children. The Quieen King and duke are at Newmarket but i stayd behind to haue

the satisfaction of seeing my mother, whom i haue expected this weeke, and hope she well be hear tomorow: she coms on purpose to see me befor she gos back into Italy, for then God knous whether i shall euer see her again. Now that i haue giuen you an account of myself, whiech i am sure you loue me enough to be glad of, i must thank you a thousand times for all the kind expressions of your letter to me, and a thousand times mor for all your kyndnesse to me all the time that i was with you: i do assure you you cannot be kynd to one that is mor your friend then i am, or that will take mor peines to find out the occasions of showing it to you; pray beleeue it and be assured that my friendship to you shall last as long as i liue.

MARY.

If you loue me dont writt to me with any ceremony.

14. Letter [holograph] from Queen Mary, wife of King William III., to Lady Katherine Murray, wife of John, Lord Murray, afterwards Duke of Athole. Kensington, April the 28th, 1694.

"The losse you have had since I saw you is, I belive, so very great that I dont know what to say upon it. 'Tis so naturell and so just to be very much trobled that no body can go about to diswade you from it; there is nothing but religion (which teaches submition in all things to the will of God) which can lessen that consern you have, and I belive you have so great a shere of it, that you will be best able to help yourself. However I coud not forbear leting you know how sory I am for your losse, and indeed for Duke Hamilton himself." The Queen then refers to Lady Katherine's own critical condition of health, and concludes "I hope . . . that God will assist you by his grace to bear all he has laid upon you. He only can. I am your afectionate friend

MARIE R."

15. Letter King George the First to the Duke of Athole. St. James's, 10th August 1715.

My lord Duc d'Atholl. J'ay esté bien aise de voir dans votre lettre du 2me de ce mois les marques que vous me donnés de votre fidelité envers moy. Je me repose sur les assurances que vous venés de me reiterer dans cette occasion importante; et Je tâcherai de vous convaincre de plus en plus combien Je suis

Votre affectionné ami

GEORGE R.

DIVISION II.—PAPERS RELATING TO THE MARQUIS OF ATHOLE'S LIEUTENANCY IN THE SHIRES OF ARGYLE AND TARBET, IN 1684 AND 1685.

§ 1. *Reports, Depositions, and other Papers.*

16. A report by the Marquis relative to his instructions, stating that he had marched to Argyllshire with nearly 1,000 men, and had maintained them till a tax could be levied on the shire. That Lord Neil Campbell and Ardkinglass were apprehended and others bound over to appear before the Council. That the arms all over the shire were collected at Inverary. That indulged ministers were forbidden to officiate, and put under caution, &c. No date. [c. September 1684.]

17. Paper narrating that at Inverary on 2nd and 15th September 1684, Mr. John Duncanson, minister at Kilbrandell, and other indulged

ministers, appeared and confessed they had broken the Council's instructions, and were prohibited from officiating in time coming. A draft of a petition to be presented to the Council on behalf of the persons prohibited is also with the above paper. No date.

18. Depositions of various persons examined before the Marquis of Athole. (1.) Robert Campbell in Wige deponed on 11th September 1684 in relation to the conveyance of Argyll's papers, that a "half barrall" of papers had been received for Robert Campbell, brother to Ardkinglas, and carried from place to place, and on the 8 September were put on board a small vessel. (2.) Colin Campbell of Ilangreg and Duncan, his son, deponed (date not given) that Argyll's spy came to Athole's camp, was met by Lochiel and questioned as to the number of Argyll's men. That Lochiel assured the spy that Argyll need not fear to advance as many in the camp would join him, and pointed out where particular clans lay, &c. (3.) William Campbell, brother of Sir Colin Campbell of Ardkinglas, on 11th September 1684, gave information as to some gentlemen whom he had warned of their intended apprehension.

19. Paper, without indorsation or date, giving the substance of two consultations on 18th and 22nd May [1685] held by certain gentlemen in Cowal, who unanimously resolved to join Argyll, and then debated whether it were best for them to join with Atholl, and then slip away from him, or seek opportunity to ruin him, or to side with Argyll at once, the former course being adopted. It was afterwards determined that the greater part of the country should at once repair to Mr. Charles Campbell. They further encouraged themselves with hopes of success (1) because Monmouth's rising in England, and Gray and Melville's landing in the south and west of Scotland, would divert the attention of the King's forces. (2.) Many of those with Athole were affected to Argyll as McAlasters, some McDougalls, Lamonts, &c., but especially Breadalbane's men. It was also thought that as Athole would be guided by Breadalbane, though the latter might be true to the King, yet he must needs be advised by his own men, and so Athole might be entrapped by Argyll's faction. They believed therefore that the King's party would thus be brought to destruction and Argyll's party and fame be thus greatly increased.

20. Draft report made by the Marquis of Athole to the Privy Council on 9th July 1685, narrating the incidents of his campaign against Argyll. The principal items are his leaving Edinburgh on 18th May, reaching Inverary with his men on 30th May, being joined by the Earl of Breadalbane. On 4th June, a party under Captain Suddie Mackenzie had a skirmish with some of Argyll's men under Charles Campbell, who were driven to their boats. Then follows a record of marching and countermarching in pursuit of Argyll, with a slight affair of outposts near Ardkinglas. The King's ships in the meantime had blockaded Argyll's vessels, the latter had deserted Elangreg, and, on 16th June, Lochiel was despatched towards Lochgoil in pursuit. Lochiel's men, however, on nearing the enemy, did not attack but began to plunder. Athole's men then left him for lack of provisions, but the McLeans and Clan Ranald remained. Carnasserew House, where there was a garrison, was summoned to surrender, and afterwards partly blown up by treachery. On 3rd July the Marquis was summoned by the Council. [Another document, of date 17th August 1685, signed by Captains Suddey McKenzie, William Oliphant, and Lieut. Duncan Menzies, corroborates the statements made in the Report by the Marquis of Athole.]

21. Two depositions (1) by Archibald Clark of Bralechane on 3rd June 1685, as to the reports of Argyll's spies, with statements as to Lochiel and others similar to those already stated; implicating various parties in Argyll's rebellion, among others a "brother of Skelmorlie's," who came in disguise to Bute, but did not stay long there so far as the deponent knew, &c. (2.) A deposition at Inverary, on 5th October 1685, by a certain Thomas Ore, tending to prove that Lochiel carried on correspondence with Argyll, and that *inter alia* it was reported that if Lochiel's men were in the van of Athole's army they would have no ball in their guns, and, if in the rear, they would fire on the King's forces in front.

§ 2. *Letters from the Privy Council to the Marquis of Athole.*

22. Letter, signed by Lord Chancellor Perth, suggesting that too many Lowlanders might embarrass the Marquis's movements; referring him to the Earl of Dumbarton as to ammunition and arms. "My dear Lord, things are not as wee would desyre in provisiones and so matters most be carried on with what wee have, evry on for himself; the event wee hope will satisfy all." The standing forces were posted between Ayr and Renfrew, the militia at Glasgow, the greatest fear being for the west and borders. Lochiel and Glengarry had received instructions to co-operate with the Marquis. "All is quiett like sleep in England . . . the gentlemen of Argyleshyre are imprisoned this day." Edinburgh, 21st May [1685]. Written by Lord Tarbat.

23. Letter, dated 25th May 1685, signed by "Queensberrie, Perth, Dumbarton, Tarbat. S. D. Falconar." That they had information of Argyll's being in Kintyre; urging diligence in joining with Breadalbane: Hoping that "old Lochiell" will shortly be with the Marquis, &c.

24. Letter, dated 26th May, signed "Queensberrie Com^{r}," intimating that Major Buchan, Captain Douglas, and Captain Oliphant, all good men, having held commissions abroad, were sent to join the Marquis, as good officers would be necessary to him.

25. Letter, dated 27th May, signed by the Duke of Queensberry and others, stating that the Duke of Gordon would be at the orders of the Marquis; that, until the King's vessels could blockade Argyll's, the standing forces on the west coast could not be divided, but, after that, assistance could be concerted upon where necessary; with further information as to movements of the troops, &c.

26. Letter, dated 30th May, informing the Marquis of the plots against him (referred to in No. 19 *supra*), and that Breadalbane's men might leave him and seize his person; bidding him be careful and prudent in the disposition of disaffected men.

27. Letter, dated 3rd June, in answer to some misconstruction of their letters, assuring the Marquis of their entire confidence in his conduct, and full appreciation of his difficult position. The parliament was expected to close shortly.

28. Letter, dated 5th June, intimating that the Earl of Dumbarton was still on the west coast, that the Falcon frigate was now at Ayr, and the Earl of Granard had 1,000 men ready to cross, when required, to join the Marquis. That the rebels at Sanquhar were being pursued

by Claverhouse. That all is quiet in England and Ireland. A postscript requests special instructions as to the Irish forces.

29. Letter, dated 7th June, directing the Marquis's special care towards Stirling, if Argyll should march thither, but leaving matters to the Marquis's own discretion.

30. Letter, dated 8th June, acknowledging a despatch of the 5th. That 1,000 bolls of meal would be despatched by sea under convoy to any place appointed. That England was still peaceable. That a ship had been taken having on board 5,000 arms, and some Dutch officers, who were to have begun a rebellion. Urging concert with the Duke of Gordon.

31. Letter, dated 13th June, acknowledging a despatch of 10th regretting an untoward mistake of Lochiel's [*see* No. 45 *infra*], and also the want of provisions. That Argyll's ships are blockaded, but suggesting that he may yet make his escape by boats and so descend on the west.

32. Letter from the Privy Council of Scotland to King James the Seventh. Draft, undated, in Lord Tarbat's handwriting.

May it please your Majestie, The Marquiss of Athol haveing now for 12 moneths been almost constantlie imployed as your Majesties leutenant in Argyll and Tarbat shyre, where he allwayes keept a body of people for suppressing the rebellious intentiones of that people, whom he disarmed, and brought to give all the obligations which ether law required, or humane faith could bear, by which many have been keept off from joining in the late rebellion and others who did wer renderd less hurtfull. And that at this tyme he was, dureing the whol course of the commotion, with a body about 4,000 men acting so as the great design of Argyle prolonging the warr, and sculking securlie amongst these almost inaccessible mountaines, was therby defeat and he forced to leave them, and was closslie pursued and hasted by the Marquess to his ruine, which was all he could doe since he fled thes shyres. And all this with so great toyle and expense to the Marquiss. All that your Majestie was put to charge on that body beeing towards 500 p^d^ Sterling for meall, to supply some militia and other assistants after ther tuenty dayss provisione was exhausted. Wherfor wee judge ourselfs oblidged, by the nature of the trust wherewith your Majestie hath honored us, to lay such services befor your Majestie as on of the motives which may incite others, and further encouradge him to so examplary service which hath been now, and may be heereafter, of so good use to your Royall interest. The more particular account given by him to us wee have transmitted to your Majesties Secretaries. Yesterday wee had further information of the takeing of Charles Campbell, soune to the late Argyle, by on of the Marquiss officers left by him at Inneraray, and wee hope mor of your Majesties enimies will come to the like fate, he haveing imployed severall parties in search of them, and that all of them may so fall befor your Majestie is the earnest wishe, and shall be diligently indeavored by, May it please your Majestie, most humble most faithfull and most obedient subjects and servants.

33. On the same paper with the preceding is a draft letter to the Secretary of State, with the report made by the Marquis of Athole [No. 20 *supra*] as to his campaign, and referring to some continued threatenings from small parties of rebels. The Council again assure his Majesty of their fidelity.

MSS. OF HE DUKE OF ATHOLE.

§ 3. *Miscellaneous Letters relating to Argyll's Invasion.*

34. Letter, Dugald Campbell of Kilberry (one of those who joined Argyll), to the Laird of Lamont, dated 20th May 1685. That the Earl of Argyll had commanded the writer and Dunmor and others with a party of men to charge Lamont to come in to the Earl "for maintaineing the Protestant religioune, our lives and liberty, conforme to declarations emited thairanent, otherwise to stand to your hazardis." That if Lamont came not in with his friends, &c., his goods were to be driven off. The writer would be glad to see Lamont to have his word (not to join the King), and promises in that case protection.

35. Letter, dated at Otter, 21 May 1685, from Patrick Steuart of Ballechin, to the Marquis of Athole, informing the latter of his movements. That he had been delayed for want of boats. That Argyll had landed, and "all Iylla is rissin with him except the ballzie who has taikin him to the hills." That Argyll's party "maik the peopell belive that the Duik of Munmuth is lendett in England with 3000 men, and soe manie landit in Eyrlland, and soe manie in Orkney, that the poor peapell is cuming in fast to them." He asks for meal, and for more men from Athole, and he hopes to force the rebels into "ther gerissone or to cheaisse them to the sea." He expected to reach Inverary soon.

36. Letter from the Earl of Kintore to the Marquis of Athole. Edinburgh, 28 May 1685. Sending a surgeon's chest. "I used all indeavour possible to get it, which at last I did, telling my Lord Commissioner that I had ordered on, and iff the King did not allow it, it could not be wanted, though it should come out of your own charge, which was not very reasonable, and which my Lord Commissioner consented too." Lord Kintore concludes by suggesting that an inactive policy against Argyll might be best, to draw him out, or that he may be reduced for lack of provision.

37. Letter signed "Will Hamilton" (address wanting, but probably sent to Marquis of Athole), Dumbarton, 28 May 1685. Advising his correspondent of the "burning and demolishing the castell of Carick, which I did on Mundaye last, as I was ordered by the Secrett Comitie, and really I beliue it was so tymously done as it prevented the rebells posesing of it." A party of them had designs upon the castle. All the passages of Bute, the Clyde and the Leven were well guarded, &c.

38. Letter, dated Ayr, 28 May 1685, from the Earl of Dumbarton to the Marquis of Athole, bidding him not to be too rash, as Argyll's men would probably be well armed, therefore not to fight unless obliged. He promises supplies of ammunition, &c.

39. Letter, dated June 1st [16]85, the address and name of writer being torn off, probably to the Marchioness of Athole, giving her some information as to the movements of the Marquis; that the writer's "unfortunat and unhapie brother is at the Tarbat" with Argyll. That report states "that ther is not above 1500 of the rebels, and the on half of thes men are forced and taken out of ther houses and beds in the night time," also that Argyll does not stay on land at night, "but alwis doth et night goe a shipboard." The writer promises intelligence as often as it can be obtained, and hopes that Argyll's "rebelious shamful atempt" may be brought "quicklie to nothing."

40. Letter, Mr. Fleming to the Marchioness of Athole.

3 June [16]85.

May it please your ladyship, My Lord upon intelligence that the lato Argyles son Charles was to be in Cowall Munday last, for conveining all the men he could, for joining his father, his lordship sent out Captan Suddey Mckenzie with ane partie who discovered him fleeing to his boates. He followed so closslie that he tooke four prisoners and killed others in ther boats. This success though it be not very great yet sure it will both make many, already joined with the late Argyle, fall from him, and discourage others from joining, which is as much as my Lord could desyre. I hope in God it is a good begining, for, had not they conveyed themselfes away in ther boates the rebells haill partie had bein defeate: this accompt my lord had this morning from Suddey Mckenzie, but he is not yet returned, he is expected this evining. I am, May it please your Ladyship, your ladyships most humble, most obedient and most humble servant

M. J. Flemyng.

My lord liftenant and Lord Murray and Lord William is blessed be God very weele. I begg pardon for this ill writ.

41. Letter, the Earl of Dumbarton to the Marquis of Athole.

Air, 4 June 1685.

My Lord, I doubt not but your Lordship has heard of Argyll's being in Buit and that his sone Charles in Cowall has sent about the firie Cross ; his ships have been cruising up and down the Coast near Largs, and this morning I have news of his having landed some men at Greenock, whither I have sent some horse and dragoons to observe his motion and will march myself, as I shall have nottice of his being landed ; if your lordship hear of his landing you must march that way with all possible dilligence. Yesterday, Capt^{n} Talbot, with the Falcon frigat, came upon this coast and sent his L^{t} ashore who tells that the Maremaid frigget, commanded by Capt^{n} Jesford, went into Mull, and, as he imagens, may be cruising by the back of Cantyre ; if your Lordship can send to him, give him nottice to come upon this Cost with all possible speed. I have news that the men that were landed at Greenock are gone again, and, as I was writting this, the Kings Fisher, commanded by Captain Hamilton, who also commands the whole squadrone, came to an anchor in this Bay, so wee are now in a pretty good condition to recieve the Rebells, both by sea and land, and wee are preparing somewhat else for him: so, I intreat your Lordship to take great care, and be in readiness, in case he should offer to make towards you that you be not surprised. Just now there is a gentleman come from my Lord Granard to me who tells me that there is 4,000 foot and 900 horse ready to land in Scotland, in case we should have use for them, and I also here that the three Dutch Regiments are come to Leith. The yacht which came first, and is now lying under Dunbarton Castle, I have ordered to be in readiness to saill when I send her word. I am, my Lord, Your Lordships most humble and obedient servant,

Dunbarton.

This was not sent away till the 5th at 2 in the afternoon.

(Dorso.)—To the Marques of Atholl, Lord Privie Seall of Scotland and Lord L^{t} of Argyll-shire, Inverara.

42. Letter to the Marchioness of Athole, unsigned, dated Edinburgh, 5 and 6 June [1685], acknowledging the receipt of hers by Lord

Lovat,* whom the writer likes "the more I know him the betere," and considers him a very good natured young nobleman. That the Duke of Gordon is ordered to march to Argyleshire, but they are likely to have little or nothing to do. Argyle has quit the sea at Tarbet and they know not where he is. Strong parties have been sent out to discourage the country. The writer thinks that Argyle will try to reach Galloway. (6 June.) Information has come that Argyle has taken two ships belonging to Glasgow, laden with planks, and has thrown the planks into the sea, and that it is believed he will thus ship his men to Galloway, as there is no hope of his doing any good in the Highlands. "He is certainlly in a most miserabll desperat conditioue . . . his men nether dar nor will ficht." Rumours that the Duke of Monmouth was proclaimed king in Galloway, and that Argyll had tried to land at Largs, but was beaten off.

43. Letter, the Earl of Dumbarton to the Marquis of Athole, dated at Glasgow 9 June 1685, intimating that 1,000 bolls of meal were ready, which would be sent to the men-of-war lying off Cowal, to be landed under their protection. That Argyll is believed to be marching towards the Marquis, who is advised not to be rash, but to post himself where he need not fight unless he thinks fit. 2,000 foot are expected from Ireland. If Argyll marched past the Marquis the latter was to follow him. The Earl then gives instructions as to the precedency of Lords Lieutenants, and concludes by stating that the King's ships Kingfisher, Falcon, Mermaid, with a yacht, were cruising round Bute, and would attempt to burn Argyll's vessels at Elangreg with a fireship.

44. Letter, signed Archibald Stewart, dated Stirling, 9th June 1685, and addressed to the Marchioness of Athole, informing her that Argyll was "in soe desperatt a condition that he knowes not what hand to turn him to. General Dallzel is heir and above 4,000 men, besides the Lord Marques of Atholls armie on the right hand and the Earl of Dumbarton's on the left. All the forces Argyll has is not above 2,000 and many of them presst. I think a few dayes will put ane end to this affair," &c.

45. Letter, Mr. Fleming to the Marchioness of Athole, Inverary, 10th June 1685.

That the night before he wrote, the Marquis learning that the rebels had a design to alarm his camp, had sent out 200 men, "under the command of Lochiell, who, upon a mistake in the midst of the night, fell upon some of the horse guards, instead of the enemy, and hath killed three or four and wounded as many." The rebels were encamped on the other side of Lochfyne, but it was thought if they could have safe passage they would go to the west.

46. Letter from "Anna McLeane" to the Marquis of Athole [no place and no date], acknowledging receipt of his letters addressed to Allan McDonell of Morar and Alexander McDonell of Kenloch, requiring them to meet him with 200 men at Strathfillan, and informing him that "everie one of the Lairds kine and kindered waint to Wist (Uist) to burry the corps of our maister the Captaine of Clanranald," and that they had not returned. That the letters had been forwarded and would receive satisfactory answers.

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* This was Hugh, 11th Lord Lovat, son-in-law of the first Marquis of Athole.

47. Two letters from George, first Duke of Gordon, dated from Strathfillan on 14 and 15 June 1685, intimating the number of his own force (1,000 to 1,100 men), and that the Council had ordered a junction of their forces, &c.

48. Series of letters from the Earl of Breadalbane to the Marquis of Athole, and also to the Laird of Ballechin (Mr. Patrick Stewart), These are undated, and chronological arrangement is therefore difficult, but they must all have been written in the latter half of May 1685.

(*a.*) To the Marquis of Athole from Castle Kilchurn, 23 May 1685. That Auchenbrek is joined with Mr. Charles Campbell, who gives out that Monmouth has landed in England. Young Kilberry, Galachyl, Ila, Kintyre, and most of the shire have joined them yesterday; he drives the cows of those who demur. Lochnell's family, Dunstaffnage, and Calder's men have not yet joined. That he had sent a party to Dunstaffnage and hoped it might succeed, notwithstanding the stormy weather which might stop them.

(*b.*) To the Same. Castle Kilchurn, Sunday, 8 a.m. [27th May]. Acknowledging the Marquis's of 22nd. Recommending the seizure of all boats on Lochfyne, on that side of the Ottar, and the securing of them at Inverary. That he would secure all the boats (18 or 20) on Lochow, at particular places named. Nearly all the Campbells and all the Lowlanders of Kintyre have joined Argyll. Argyll, it was reported, had lost one of his smallest ships, having sent her to seize an Irish ship laden with victual, but the latter having 24 guns, sank Argyll's vessel with a broadside. The Irish ship was, however, taken by Argyll's other two vessels. The appearance of the King's ships will probably force Argyll to make a "Highland warr of it." After referring to some minor details, and the plundering of part of his lands on Lochow, the Earl bids the Marquis "forget not to heast after you the lather gunns with a gunner and amunition for them, both for field service and to fright them (the rebels) out of any house they will garison," &c. [The letter is holograph, and is signed "Breadalbane."]

(*c.*) To Stewart of Ballechin. Sunday, 10 o'clock. Probably same date as preceding. Advising delay in engaging the enemy, until a sufficient force be gathered on the King's side, as the rebels had gained the start of the royalists, and would "ventur all on ther first brush, having no way to be recruited with men or provision but a desperat game." The Earl advises Stewart to provide his garrison with water, provisions, and good men, well commanded, the rest to march towards the head of Lochfyne to meet the Marquis of Athole. The Earl trusts Argyll will not pass him, but the delay in the rendezvous of the King's men will enable them to come fresh and well victualled, &c.

(*d.*) To the Marquis of Athole. Castle Kilchurn, Sunday, 12 o'clock. That Ballechin had written that Argyll was on his march upwards from Kintyre, and that the Earl had advised delay in engaging the enemy, and given other instructions. "If Argyll has quitt his shipps, and tak him to the land work, he will stryv to run over as much ground as he may to gain reput to his pairtie, for its his interest to put all on a day." Desires the Marquis to hasten if possible his arrival.

MSS. OF THE DUKE OF ATHOLE.

(*e.*) To the Same. Castle Kilchurn, Monday, 5 a.m. [28th May]. Sending an enclosure. That he has agreed that Ballechin and his men come to Glenurchy, which is "a saif ground." Ballechin and Mr. Fleming are to consult with the garrison as to holding the place and its ability to stand a siege. Lord Breadalbane reckons the probable number of the rebels at 2,500. He proposes that a party of King's troops should march from Stirling to where he is, where they may meet the enemy, who ought to be overpowered, and he thinks that disciplined soldiers are necessary. That he had written to the General commanding at Stirling. [The enclosure in the Earl's letter is a note from his "brother and servant," McNachtan, dated 24 May 1685, stating that the gentlemen of the shire had resolved to join with the Earl.]

(*f.*) To the Same. From the foot of Cruachan Ben, Tuesday [29th May.] That Argyll had appointed the men of Lorn to march to Tarbet where he is. The rebels quartering in Lorn and Argyll "much affront" the Earl's men coming in from these places.

(*g.*) To the Same. Castle Kilchurn, Tuesday 6 p.m. Acknowing the Marquis's of 25th from Ford Lyon. That he had sent an express to Ballechin. That the Earl of Argyll's sons, Achinbreck and Barbrek had marched for Tarbet, and that Argyll's movements from there were uncertain but by beacons fired on the top of "Ilsa" (Islay) and Mull of Kintyre, it is conjectured he will ship at Tarbet, and land where first appointed. The Earl thinks, however, that if Argyll has been stopped by the King's ships he will be forced to come to the Earl's neighbourhood. That he had employed persons to go among the common people to persuade them to leave the rebels whom fear for their cows had caused them to follow, though the gentry had joined Argyll from affection. The Earl concludes "Such men as would joyn us out of Argyll and Lorn ar altogether disabled by the force that is upon them. Craignes was coming to me with my men under his command, but he was glayd to tak his castle on his head, and they hav killed all his koues. Some others ar in the same condition," &c. In a P.S. "Young Kilberrie and on McMillan ar reasing the men of Couell to joyn the rebells."

(*h.*) To Stewart of Ballechin. Castle Kilchurn, Tuesday, 6 p.m. containing information similar to the previous letter.

(*i.*) To the Same, written from "Castell Glenurchy 9 at night." [Date doubtful, but about 26th May.] Advising Stewart to order his men so, "that if they (the rebels) come to you they may be such fools as to fight with lime walls, and secuir the rest of your men so as to joyn the Marquis. . . . Leave your garison well man'd and provyded, and he (Argyll) cannot lye four dayes befor it, when all the King's forces will be vp who ar from all places gathering." The Earl repeats his opinion that "these two houses" (not named) should be secured by as many men as they will hold, the rest to march to join the Marquis, to make a full body not to be resisted by the rebels. That the cows of his men on Lochow had been seized, but he had promised to pay the loss if the men came to him. Advises Stewart further to disappoint Argyll of any engagement with his party, as he also hopes to do,

that the Marquis of Athole may have the matter wholly in his own hands, &c.

49. Letter, dated "Glenderrewell, Teusday 16 June" [1685], addressed "Deer Cousing." Writer unknown. Narrating incidents of the campaign that after the Marquis knew of the approach of the King's ships close to Elangreg, he marched from Inverary after Argyll about Lochfyne, and reached Glenderule on 15th June, that the rebels had decamped in great confusion, sending an order to Elangreg (about 5 miles off) for the ships and garrison to provide for themselves, as the royal troops were on the march. The castle and ships were immediately and wholly evacuated, only the prisoners brought from Orkney being left, who then made a sign to the King's ships by getting off a boat "with a whyte cloutt insteed of a flagg." The King's ships then took possession of both the castle and the rebel vessels, while Athole was drawing up his army in some uncertainty. A party had been despatched under Lochiel, to follow and give intelligence of the enemy. The Marquis with a party, including the writer, had gone to the Castle of Elangreg and found a considerable quantity of powder, ball, and pikes. A sergeant and 20 men were detached to form a garrison and receive from the seamen in possession the ammunition, of which "there is, and hath been, such store, as if the whole kyngdome hade been to be conquer'd with drums, trumpets and amunition without men and horses." They had intelligence that Argyll had crossed Loch Long in to the Lennox. The writer expresses a low opinion of Argyll's qualities as a military leader, there being many places where he might have much annoyed the King's troops, and made no attack, nor attempted anything "lyke a man aither of curage or conduct." The writer concludes "without vanetie I beginne to wearie of this campaine, since I see it is not by faire fighting wee are lyke to have a speedie issew of it, for I have realie to tender a hairt to take pleasore in the lowing of herds of cows, and bleeting of sheip, and skriking of women following them in to owre camp, and if my honore, which I am possiblie more tender off then is nessessare for a man in my sircumstancis, hade not obliged me, and will still, to stay so long as I think it concerned, I was never at a lyffe more onplaisant to me, amongst such a pack as I could not have thoght hade been on arth, and I have no plaisore but in saving the countray so farr as possible," &c.

50. Letter, signed "Haldane," also written from the Camp at Glenderule to "The Laird of Lanrik," of date 16th June 1685, refers to the sudden march of Argyll "towards Loch Goyl," and adds some particulars to the account given in the preceding letter as to Elangreg, namely, that the rebels in deserting the place, left "a train of match burning amongst the amunition for blowing up of the Castel, but it was prevented by some of the Orkney Gentelmen whom they had most inhumanlie left upon the top of the house to be blowen wp with it, for they got som way to win down, and got a boat, and acquented the King's ships with the condition of the Castel, and they imediatlie sent boats, and did, accordingly, fynd the Castel disearted and the match within an inch of giving fyr." The writer then relates the finding of so much warlike ammunition in the Castle, the march after Argyll, who has gone down towards Roseneath and the Lennox, &c.

51. Letter, signed "C. Mackenzie" to the Marchioness of Athole.

Sterling 19 June 1685.

Madam, I have nothing to add to the accompt Captain Stewart has given your Ladyship off our good news off Argyles totall defeat, his

own being prisoner at Glasgow, haweing been taken with some Renthrou lairds My Lord Ross and Sir Adam Blaires being wounded in the neck, Captaine Clealand killed, five hundered of them fled back toward the Hylands, who wer yesternight at Buchanan ; ther was lykwayes a Dutchman, that hade been with the Rebells, taken at Kilsyth, who tells he knew of no forrainers with him bot 4 or 5 Dutchmen, all the rest Scotts men, whose names he could not remember, only he remembered off Mr. Charles Campbell, Sir John Cochran and his son, John Balfoure, the Bishops murderer, and on Lapnes, whose name is Elphinstoune : the Dutchman's own name is Clowes Johnstoune. Madam, I hope you will pardon the shortnes off this accompt, since tym will add no more, bot that I am in all humble deutie, Madam your most faithfull humble servant

C. MACKENZIE.

After writing hereof we hawe gotten ane accompt that Sir John Cochran, Mr. Rumball, and the partie with them who had killed Clealand, and wounded Ross, and Sir Adam Blaire, and fled into a house near to Paselaye, and no doubt we will hawe ane accompt off them shortly, which, with all other good news that comes to my hands, your Ladyship shall be acquainted off.

52. The Same to the Same.

Sterling 20 June 1685.

Madam, I hawe litle to add to whatt I wrot yesternight, only I hawe gott a more particular accompt off Argyles being taken, and some few more. He was taken flying all alon, in disguise, with a blew bonet on his head : he came by a troupe off gentlemen, under my lord Cochran's command, and passed them, being so disguised, without being noticed, till he came to a litle water beyond Paselay, still in veiu of the forsaid troupe ; and, when he came to the water, he quitt his hors, and was passing the water, on foot, which, some of the troup perceaving, told ther officer that ceartainly he behoaved to be a rebell that quitt his hors so, on which, the commanding officer sent doun on off the troupe, who was ryding for the Laird of Beltries, to bring him back : he overtook him just in the middle off the water, and called to him to yeeld ; bot Argyle, instead off yeelding, fyred his pistoll att the trooper, but missed : then the trouper lighted from his hors to reach him the better : then Argyle fyred ane other pistoll att him, bot missed lykwayes : then the trouper gave him two slight wounds on the head, on which he surrendered himselfe ; be this tyme the wholl troupe came towards them, and severalls off them, att first sight, knew him, and he them, particularly young Greenock, to whom Argyl gave two purses off gold, his gold watch, and a gold box, in which they say ther was a good many jewells. Achinbrake and Collonell Foulertoun wer lett slip away be some of the Baronfrew (Renfrew) gentlemen, who hade them in ther reverence. Collonell Elet (who is thought a wary considerable person) with other 2 rebells, wer sent in prisoners to Glasgou, be Dougalstoune. Sir John Cochran, and Polwart, are fled into the mosses twixt Baronfrew and Cunningham, and two hunder off the prettiest men, amongst the rebells, with them, Collonell Douglas, and the Rigement under his command, with some troupes of hors and dragounes, are gone to stope ther escape ; and Dumbarton, with the rest off the forces, ar marched straight after them : this is as particular ane accompt of all our news here (besyds whatt your ladyship heard last night) as I can give at present, and, when more comes to my hand, your ladyship shall be informed of them be, Madam, Your ladyships most faithfull humble servant

C. MACKENZIE.

53. Letter, unsigned, written by a lady to the Marchioness of Athole. The first line of the letter with place and date has been torn away.

. . . . . We wer all wating to see Ar[gyll] cum in and go up the way, in great disgreac, which he was not much conserned in; yet, when the hangman tayd his hands about his bak, with anc tow tyd about his midell, and then to the hangman who went befor him, I confes it mad him chang colours. When he cam to the watergait, wher Captain Gram reseaued him, he put it in his opscion ather to go in a cart, which was ther redy for him or go up the way on foot, as haue wryt befor: he said, tho he was not very strong for waking, he had rather wak, for he nather loud that coch ner the cochman, which was the hangman. This day ther is a great many prisoners coming in to toun: his lady hes not got liberty to sie him yet; I doe not know if she will. I had a letter from Sir Patrick last night, but was wryt four or five days ago: he said my lord was in very good hailth. It is thought my Lord Marquess is in Glesgo by this tym: your Ladyship will sertanly get ane acount of all that past at Ar[gyll] his ships and the castell: I have sent your Ladyship all the prented peapers, and the last gazet, with Sir Patrick his leter, which I think no wors then a gazest; they ar still in pershut of Sir John Couchran and I trust in God he is taken.

54. Letter, Mr. Fleming to the Marchioness of Athole. Ardkinglas, 21 June 1685. The letter begins with a short account of the affair of Elangreg, already narrated [*see* Nos. 49, 50 *supra*] adding nothing new. That the rebels fled "night and day untill they wer out of the shyre," followed closely by the Marquis, who had reached Ardkinglas in his pursuit, when he heard of the dispersion of the rebels by the King's troops, near Kilmaronock in Dumbartonshire, though no particulars had yet reached him. That the Marquis had sent out parties to intercept the rebels returning. On 23rd June, Mr. Fleming adds a P.S. that Argyll is taken, and that his son Charles and others had garrisoned a house in Argyle from which the Marquis must drive them.

55. The Same to the Same. Inverary, 25th June 1685. That six hundred men had marched against the Castle (or house) of "Carnareceth" [Carnassary] belonging to Campbell of Auchinbreck, and had summoned the garrison to surrender, who refused. Preparations were being made for a siege.

56. Letter, Campbell of Lochnell to the Laird of Ballechin (Patrick Stewart), 14th July 1685.

That the writer had gone to Dunstaffnage as ordered, but neither Brolose nor Ardgour were there to give an answer. He desires a warrant to receive from Ardgour the brazen gun to be kept for Ballechin. He then refers to some cattle taken from Inverliver, part of which had been carried to Glencoe, but had been arrested by the Appin men. Again desires instructions about the gun.

57. Letter, Anna Countess of Argyll to the Marquis of Athole. Edinburgh, 3rd August 1685.

My Lord, Since your lordship so generously disayred, I hear that a petision should be giuen into the Counsell; and now that my daughter is in that affair recommended to your Lordship, is that I am so well setesfyed with that, I am not by this to make long solisitations for whatt I am assured verie much your lordship will doe to on broght so low as now she is. This is rather to give your lordship my humbell thanks

for your advising the petision, and for your lordship doing, I most say, nobelly and generously in all that hath been disayred of your lordship as favours to my Lord, your lordship's most humbell seruent . . .

ANNA ARGYLL.

DIVISION III.—MISCELLANEOUS CORRESPONDENCE, 1579–1721.

58. Draft letter by John Stewart, fifth Earl of Athole, relative to his father's death, 29th April 1579. Address wanting. He writes that it has pleased God to call his father from this life "be extraordinar meanis of vickit personis, throw venemus and extreme poysoun," as has been manifested, at the sight of honourable persons "besyd the sycht and iudgement of Doctors cherurgians and potingars," to be testified in due time. That he himself was young, and, hitherto, had had no care but for his books, but he had received his father's blessing and injunctions to serve the King and country and his friends. That being resolved of the murder of his father, he begs his correspondent's aid, giving in return a promise of assistance when required. He has delayed the burial of his father, but will give due notice thereof, looking for his correspondent's advice and counsel in the meantime, &c.

59. Draft letter (writer unknown) for "my lord of Atholl," 1st June 1604. The letter chiefly refers to matters of business, but the writer begs Lord Athole to come to his own house, or appoint a meeting within 14 days after receipt, for, he says, "I purpoiss, God willing, schortlie to hunt the wowlf vnto the quhilk giue (if) your lordschip hes ane leische of gud houndis to lene for ane deye I vill send for thame, and restoir vnder pane of crydet, and, vpone lyk conditioniss, quhen your lordschip huntis, will send my awin folpis (whelps)."

60. A copy of the correspondence which passed betwixt Archibald, Lord Lorne, afterwards Earl and Marquis of Argyll, and Lord Wentworth, afterwards Earl of Strafford, then Lord Deputy of Ireland, in reference to the proceedings of the covenanting party in Scoland. Dates from 25th July 1638 to 19th March 1639. With two letters from Lord Wentworth, one to the King and the other to Lord Cottington, of dates 22nd and 23rd April 1638. [More than one MS. copy of these letters was circulated and is in existence. It is not necessary here to do more than indicate the contents of the letters, which begin with a question by Lord Lorne as to certain of the Clandonald, to which the Lord Deputy answers with a reflection upon the conduct of the Covenanters in resisting the introduction of prelacy. Lord Lorne defends their proceedings, and the correspondence closes with a regret on the part of the Lord Deputy that the Earl of Argyll had joined the Covenanters.]

61. Letter, Archibald, Earl of Argyll, to the Earl of Athole. Inverary, 13th February 1639.

Argyll writes that it has ever been his desire to have His Majesty's authority respected, and peace kept in the country, and he has heard that a number of "lymmeris and brokin men," taking advantage of the times, trouble and harrass the King's lieges in the Highlands. To remedy this he proposes that those noblemen and gentlemen who have interest should meet for mutual consultation and agreement as to the measures to be taken for redress, "quhairthrow his Majesties good subjectes may live in peace and quyetnes." The Earl of Athole is

therefore requested to attend a meeting with Argyll, and others, to be held at Perth on 14th March next. A list of gentlemen is sent, and the Earl is to warn others.

62. The Same to the Same. 30th May 1640.

My noble Lord, The generall and Committe heir shew me what paines they had taken, in the fairest way they cowld, in requyreing your lordship and people to joyne with the rest of the kingdome, in the ordiner way, of mentening our religion, lawes and liberties; and that your Lordship and they, notwithstanding thereof, continowis averse from giveing satisfactione. Wherefore, out of my respect to your Lordship, and interest in the cawse, intreatis your Lordship to considder better of thair reasonable desyres (which is the commoun way resolved be the estaitis) and labour to give them content before they be forced to tak some hard course to distengwishe thair friendis from thair enemyes, whiche I wishe your Lordship may nevir prove bot ane good patriot for your countrie. This I desyre the rather that I be not chairged with any thing that may prove grievous to my friendis; for if I be comandit be the Estaitis and generall to doe any thing, for furtherance of the commoun cawse, I most obey, as I am tyed in dewtie bot [I] wold rather wishe your Lordship, and countrie people, be showing your good affectione to the caus and countrie as my earnest desyre is, To obleige me quherein I can approve myselff, Your lordships friend and servant

ARGYLL.

Edinburgh penult Maij 1640.

I expect your Lordship ansuere.

63. Two letters, both drafts, written on the same day, Edinburgh, 7th September 1640, addressed by the Earl of Athole. (1.) To the General and Committee of Estates at the Camp, in which the Earl refers to his appearance before the Lords of Committee, in the Earl of Argyll's presence, when no more was laid to his charge than at first. That he had then begged a speedy trial, when, if he had wronged the public cause, he might be punished. He had further offered in case of delay to give good security for himself and friends. These offers were refused, but he prays the Committee to accept caution and release him in the meantime, as not only do his house and neighbourhood suffer wrong, but he had also borne in patience all aspersions and calumnies against himself, which were hindrances to his possession of his own rather than conducive to the public advantage, "as trewth, the dochter of tyme, will try." (2.) To the Earl of Montrose, then with the others at Newcastle, informing him of the refusal of the Committee to release him on bail. He complains of this strict dealing, and encloses the above letter to the Committee to be presented by Montrose. He offers to give personal attendance on the Committee if necessary, but concludes by beseeching Montrose to use his best means to rid him of the net in which he is "so intanglit" that without help, he can neither do good to himself nor be "steadabil" to his friends.

64. Letter from the Committee of Estates to the Earl of Athole. [No date. c. March 1640.]

Noble Lord, These who wer resident at Edinburgh for the common effaires having received advertisement from Court of the great preparations of warr in England, togidder with a coppy of the Earl of Northumberlands Commissions to be Captain Generall by Land, and Admiral by sea, with power to him to be Generall of all the forces of England, to joyne with his Majesties forces in Scotland, and to subdue

kill slay and destroy all these in Scotland who shall resist him. This made them desire a meetting at Edinburgh, the tenth of this moneth, of so many noblemen and commissioners as wer nerest at hand and could comodiouslie come, in so short a time, and, because the storm wes great at that tyme, they did forbeare to trouble your lordship, which wee, and they, both, hopes your lordship will not take as a neglect of duty, but rather as an unwillingnes to put yow to extraordinary paines. Our Commissioners have had a hearing befor his Majesty and these of the private Committy or Cabin Counsell in England where (in so short a tyme as they had) they have labord to vindicat this nation and the proceedings in parliament from these aspersions layd wpon ws, but have gottin no answere. All preparations of warr in the meane tyme goes on, so that nothing can be conjectured but that, doe or say what wee will, wee shall have no peace. The Earle of Traquair hes avowed to the King, and before our commissioners, that he did not assent in the assembly to the abrogating of Bishops, neither did he euer subscrive the Covenant, or that there wes an act of counsell for that effect. Thir are so manifest wntruths that it is wonderfull any man should be so shameles. But your Lordship may easily perceive by this what is meant towards ws, and what is the quarrell they have against ws. The Deputy of Ireland is gone to hold parliament there, the 27 of this moneth, and hes undertaken to haue eight thousand men in Scotland against May day. The Kings ships are extraordinarly victualled, and wil be ready to come out in the begining of the next moneth. Our own innocency, and the equety of our cause, hes made ws euen to deceive our selfs in the hopes of peace as wele in wronging our liberties, by letting in Englishmen to the castle of Edinburgh, and in delaying to make any preparation for our owne defence, least it might give collour or shaddow of misconstructions to our enemies, who takes advantage of euery thing wee doe, and interprets all to the wickedest sence, whereby wee haue run our selfs in that danger that hardly can wee recover it wnles wee double our diligence in the litle tyme wee haue to doe euery thing, hartily and readily, that may put ws in som measure able to resist a suddaine check, when and where it shalbe offred. A harty vnion wilbe our strongest outward meanes of safety, and nixt, a readines to contribute our advyce, assistance, meanes and fortunes for the preservation of our religion lifes and liberties which euery one of ws ought, and should, intreate others to doe, and, by our example, encourage our nightbours, seeing the bussines does not only and chiefly concerne the glory of God, but also the kepeing of this ancient kingdome from slavery, either in the ruine and wtter overthrow thereof, or becomeing a province. Wee earnestly intreate your Lordship wilbe pleased to goe on in your presbitery in subscriveing the Band, and taking wp the rentall and payment of the tenth pennie, as the rest of the shyre wherein your Lordship dwells, and all the shyres of the kingdome, does. If your Lordship hes any doubt concerning any charges your Lordship hes been formerly at, the common course vsed for all the rest of the Countrey can be refuised to none, farr lesse to your Lordship, whom wee easteame as one of our cheife freinds, and to whom wee shall euer approve ourselves to be, Your Lordships affectionat freinds and servants, MONTROSE, MAR, LOTHIAN, YESTER, BALMERINOCH, DALHOUSIE, FORRESTER, BURGHLEY, LYON, NAPER.

65. Letter by the Committee of Estates to the Earl of Athole, Edinburgh, 2nd March 1641, intimating that it was the determination of all those who witnessed the giving up, before the Estates, of the

bond subscribed by the Earl and others (the Cumbernauld bond) that, as some of the others had publicly explained their intentions in signing, so the Earl, and the rest of the subscribers, should be summoned also to give their testimony. The Earl is therefore requested to come to Edinburgh for the purpose stated, and specially desired not to "neglect this adverteisment, leist the samyn may produce farder jealousie," while his appearance may clear him and remove any "scrouples" which others may entertain against him in this matter. A P.S. fixes the diet of hearing on the the 17th March. Signed by Lord Balmerino and several other members of Committee.

66. Letter, the Same to the Same. Same date. Remarking on the great slackness in the public cause within the presbytery of Dunkeld, the reason whereof the writers conceive to be that no good order was taken by the Committee for War. The writers suggest as a remedy that a number of persons may be elected for the Committee of War who may be responsible to the Committee of Estates for all public business. They further suggest several names of gentlemen to be added to the War Committee. Signed by "Balmerinoch" and others.

67. The Same to the Same. Same date. Intimating the next session of Parliament on the 13th April next, and most earnestly desiring the Earl's special attendance at the diet, "and so much the rather because it is exspected that the grytest bussines can fall out in our tyme, will offer to be agitat, to witt the conclusione of the Treattie of the setled peace betuix the two nationes, and the setling of this great work quhilk God hes so far advanceit." Signed by the same members of Committee as the foregoing.

68. On 2nd March 1641, also, the same Committee of the Estates write to "The Committie of Warre at Dwnkeld," beginning "Your divisioun have bene farre short of many of your neyhbouris in performeing of all publict dewties and we think it strange that of all the ordouris instructiones and warrandis sent to yow from this table there is litle or nothing performed among yow." That the slackness of the Committees of War throughout the country caused slack performance of public business. The remedy suggested is that a certain number of gentlemen be elected to sit, instead of all the gentlemen in the county being on the Committee, and that those elected should be responsible to the Committee in Edinburgh. A list of names is given, &c.

69. Letter, undated, from General Alexander Leslie to the Earl of Athole. [1640?] Acknowledging receipt of the Earl's, which, however, is declared to be no answer to what was desired by the Committee of Estates that the Earl's regiment should be sent out according to instructions. . . . [paper torn]. That the Earl's letter went quite on other grounds, excusing disobedience to the warrant because of its peremptoriness, and other matters, in regard to which the General says, "Now for answer to all this, I cannot wonder aneugh how your lordship and these men who are not satisfyed with that warrand should thinke that the Committee, and the great affaires of the kingdome that are dayly crauing dispatch at their hands, should haue time at their will to grant to a few in Athol who are disaffected, vntill they please themselves to come and capitulat, and soe trifle time in comming and returning. Your lordship knoweth best how oft they have been desired to come and give reasons for their demands, and they should receaue

satisfaction, which they did sleight; and now they would begin a treatie when the publique affaires doe strait more, and the burden of keeping men together." No answer, therefore, can be returned but that the Earl must send out his men with all diligence, and those named in the warrant may come with the regiment or after it and plead their own cause. For this effect it is that the Earl of Argyll has commission to see things really performed, and all obedience given to orders from the Committee. The Earl of Argyll was to receive instructions that night "to carie himselfe and his people as he finds their behauiour in Athol, which wee expect, now at last, they will soe help and amend, that I may both to them and to your lordship haue just occasion to continue your lordship's affectionat freind and servand. A. Leslie."

70. Letter, dated "25 April," signed by "A. Leslie, Kinghorne and Stormonth," addressed to "The Earle of Athol and the rest of the Gentlemen of the division of Athol." That the writers had been glad to know of the coming of two gentlemen, who, on behalf of that division, had come to the great meeting of the Estates, to give reasons why obedience had not been given to the general orders as to payment of the 10*d.* duty over the whole kingdom, for defraying the public charges in the late troubles, as a bad report of the behaviour of Athole had filled the ears of the Committee. But, when the gentlemen came, and the writers had looked at their commission, the reasons of denial, &c., they concluded that the commission came from particular persons, disaffected to the common cause. The writers then discuss the reasons of denial: "What is that first to alledge that neither you nor the Erle of Athol receaued any of that money directlie or indirectlie? Cannot all the parts of the kingdome and particular persons say soe much, or doe you thinke the publik defence of the kyngdome, with soe great ane armie, and manie other charges, hath not taken all that which is craued, and much mor, and how should it bee payed, if euerie particular man might alledge I gott none of it; and for the charges that you have been in your two voyages (marches) vnto the north, wee doe beleeue that Angus and other parts may alledge much mor, and all the rest of the kyngdome for the south. As for your second reason, of your powertie, wee doe beleeue that is common to you, with all the rest of the kyngdome; if you had any thing that might cast the ballance in your fauours, when you shew better ground for your particular exemption then others, wee thinke it will not bee refused vnto you that particular respect bee had vnto your inhabilitie, when it appears. As for the third and last that you cannot send out the fourth man, for fear of broken men, this is a weake pretence, for who will trouble you except you sett your selfe against the common safetie of the whole kyngdome, and soe draw the wrath of this whole kyngdome vpon you for shewing soe euill example to all the rest, being situate in the midds thereof." "For this and mekill mor" the writers have sent the deputies back, in all haste, with the above "faithfull advice," and have bid them return with "better resolutions" on an early day. They conclude by beseeching the Earl and the others not to hazard "all, for denying a part, and, for feare of broken men, let not all the countrey breake in vpon you; learne in time from your freinds to distinguish betwixt the general good of the whole kyngdome, and the particulars of a few euill men that are among you. Hast your answer . . . and know by this that they are your best freinds who giues you this aduice."

71. Letter, signed "Will Carr," probably William (Drummond), afterwards 2nd Earl of Roxburghe, to his consin Lady Lilias Drvmmond.

London, 27 April 1642. The letter begins with compliments and then states that his Highness (probably the Prince of Orange) was in good health. "Hee and the Duke of Yorke went to Hull, and that night ware very well receued by the Gouerner, liekwise, the next day, had the same entertainment, when about dinertime there came newes that the kinge was at the port. It was so vnexpectted to the gouerner, that hee coniecterd a plott and imediattly made fast the portes, which done, he adres't him selfe one the wall and ther made an homble reffussall for his Majestie's enttrance who stayd sum tyme in the raine and so retturn'd, but nether Ducke, nor my Prince, was suffered to goe out vntill the King was gone, and then, with much seremony, ware conductted out 2 by two. I dare nott say this hath bred sum ieloussie of his hynes, but I am shure it will doe noe good nether in his privatte or general affaires."

72. Letter addressed to "the Countesse of Tillibardine my deare cosen." [Place of writing not stated.] Date 16th October 1644. Signed V. D. The writer is anxious to know of Lady Tullibardine's safety. He had heard of her flight from her own home, but understood she was in a place of safety. He gives some incidents of the Civil war. Lord Essex had made a "gallant recruite" again, and Sir William Waller's strength was increasing. The city had sent out 5,000 men under the command of Sir James Harrington, their General Major. "The King is intrenching neere to a hous of faire Mrs. Rogers, neere Salisbury, and they say has a very great army likewise. The parliament are about sending propositions to his Majestie; I wish them good speed but I feare it much they shall misse of it. Their have bin many houses burned by accident in Oxford this last weeke. The queene we heere is well recouered, but has not drunck of the watters of Bourbon, though shee was neere them, ever since her being in France; but, by the two phisitians the Queen Regent sent, shee was aduised not to drinke of them. My Lord Goring, whoe is made Earle of Lewes, wee heere is out of office their, and my Lord Jermin manages all affaires. Her Majestie has a guard of Cuirassiers whereof Will. Crofts is Lieutenant Colonell. Her Majestie is to come shortly to Paris, and from thence to goe (and) liue at Cane [Caen] in Normandy during pleasure. The abbys doe contribute very largely toward that they call her cause, which tytle will not att all comend it to mee. Your freinds at the Hague are all well . . . and the Princesse Louise is somthing better. The Prince of Orange is come to the Hagh by this time . . . there were great preparations to receive him. The Conte de Stiran, Commissary General to his army, is dead, hauing bin dessignd successor to Stakenbrook in the place of Lieutenant Generall. Sir Henry Herbert is likewise dead, and Sir Ferdinando Knightley is made a Collonell. . . . Their was thanksgiving at the chapell at Whitehall for the deliverance of the Princesse and the Duke and their familly from danger of the plague. . . . The day before, the Duke of Yorks birthday was solemnised with a venison pasty and the Princesse Elizabeth invited the Prince Elector to dine with her, but his highness having some businesse to doe that day, sent his excuse, but came in the afternoone, and plaid at purposes, and such like playes, with her highnes, till prayer time. Their was noe other companie their but Mrs. Couett, or the Lady Diana Couett, which you will, the meriest widdow that euer I saw, . . . and my Lady Carr and her daughters, and my Lady Gray and Mrs. Neuill and Mr. Harrington and Prince Griffen . . . I doe not heere anything of the Prince Electors going away yet, and I hope hee will not, without his errand, which I beleeue will not bee dispatched in hast, it beiug

supplys of mony which is not easily parted with in this age. . . . Sir Kenelme Digby has tempted fine Mrs. Jerbier and her younger sister to turne nuns and hee caried them into the cloyster himselfe, surly hee will have the maners to turne fryer. . . . etc. In a P.S. the writer says "Sir William Drummond . . . is over head and eares in loue with Mademoisselle Henriette de Dona; Conte Maurice of Nassau hath the gouernment that Conte de Stearne had. . . . Colonel Hurry is wheel'd about to London againe but is a prisoner yet, hee was sent with a guard from Sir William Wallers quarters to the parliament. My Lord Pagett is likewise come to the Parliament againe. My lord of Quenouille is dead in Whitehall, and to be buried at Waltham Abby by my lord of Carlille. My lord Say's daughter is to marry the famous Colonel Norton."

73. Letter, Oliver Cromwell to General David Leslie, commanding the Scottish army. [1650.] *Old copy.*

Sir, I received yours of the 13th of this instant, with the paper yow mentioned therin, inclosed, which I caused to be read in the presence of so many officers as could well be gotten together on a sudden, to which your Trumpet can witnes. We returne yow this answeare by which, I hope in the Lord, it will appeare that wee continue the same which wee have professed our selues to the honest people of Scotland, wishing to them as to our own soules: It being no part of our bussines to hinder any of them from worshipping God in that way they are satisfied in their consciences by the word of God they ought (though different from us) but shall therein be readie to performe what obligation lyes upon us by the Covenant. But that, under pretence of the Covenant mistaken and wrested from the native intent and equitie theroff, a King should be taken in by yow to be imposed upon us, and this called the cause of God and of the Kingdome, and this done to the satisfaction of God's people in both nations, as is alleadged, togither with the disowning of malignants although hee who is the head of them, in whom all their hope and comfort lyes, be received, who hath, at this verie instant, hath a Popish partie fighting under him in Ireland, hath Prince Rupert (a man who hath had his hand verie deepe in the blood of many innocent people in England) now in the head of our ships, stolen from us upon a malignant account, who hath the French and Irish ships daily making depredations upon our coasts, and strong combinations by the malignants in England to raise armes in our bowells by vertue of his commission, he haveing of late issued out verie many to that purpose. And how the interest yow pretend yow haue receiued him upon, and the malignant interest in the ends and consequences centred in this man, can be severed, we cannot discerne, and how wee should beliue that, whilst known and notorious malignants, fighting and plotting against us on the one hand, and your declaring for him on the other, should not be ane espowsing of a malignant quarrell, partie, or interest, but be a meere fighting upon former grounds and principles, and in defence of the cause of God and of the kingdome, as hath beene these twelue years last past, as yow say, for the securitie and satisfaction of the people of God in both nations, or the opposing which should render us enemies to the godlie with yow, wee cannot understand, especially considering that all malignants take their confidence and incouragement from the late transactions of your kirk and state with your king; for, as wee haue alreadie said, so we tell againe, it is but satisfying securitie to those that imploy us, and are concerned in that wee seeke, which wee conceive will not be by a few formall and faind submissions from a person who could not otherwayes tell how to accomplish his malignant ends, and

therefore counceld to this complyence by them who assisted his father, and haue hitherto acted him in his most evill and desperate designes, and now are againe set on foot against which how yow will be able, in the way yow are in, to secure us or your selues is (for als much as concernes us) our dutie to looke after. If the state of your quarrell be thus, upon which, as yow say, yow are resolued to fight our armie, yow will haue opportunitie to doe that, else what meanes our aboade here. And, if our hope bee not in the Lord, it will be ill for us. Wee committe both yow and ourselues to him that tryes the heart, and searches the reines, with whom are all our wayes, who is able to doe for us and yow aboue what we know, which we desire may be in much mercie to his poore people, and to the glorie of his great name. And, having performed your desire, in making your papers so publick as is before expressed, I desire yow to doe the like by letting state kirk and armie haue the knowledge theroff. To which end wee haue sent inclosed two copies and rests, Your humble servant

O. C.

From the Campe at Pentland hills. For the right hon[ll] David Leslie L[t] Generall of the Scottish Armie.

74. Letter, the Earl of Loudoun to the Earl of Tullibardine, from Comrie, 30th August 1651, urging him, in name of the Committee of Estates, to attend a meeting to be held at the Kirk of Killin on the 5th September, to resolve what was fit to be done for the safety of the kingdom against "those trecherous sectaries" who had invaded the kingdom, and had taken "a number of noble Lordes and vther members of the Committy;" also for the service of the King who was hazarding his life in the same cause, and for the "preservatioun of religioun, our liberties, estaitts, and lynes, from perpetuall slaverie and ruine." The Earl's presence is urgently desired.

75. Letter, signed "Margaret Hay," to the Countess of Tullibardine. [Undated, but c. August 1651.]

Dear Madame, The neues I heir frome Sterllinge is that the Secktuaries earmie is reteired bake touards Lithgoe: uhen they cam foruarde they marcht so furiusly, as if they had intended to fallen on instantly, till they cam to the uther seyd of the uater, uher our earmie uar layinge, and both of them in uthers weine. That night, uery leat, the King uent to a Counsell of uar, uher they resolued to drau out the holl earmie, uhich they did about naine aclocke at night, uith uery leitlle noyes sume uold aseyd to mead ane infall, at seuerall pleases, by sume of ours, both horces, and fout, bot haueing the uater to pas it uas thought to great heaserd to meak such ane attemp, fearing ther reteiring in any disorder might haue indeyngerd the bodie of our earmie. The generall of the Artillrary undertouke uith his ordinanes to beat them from ther Leiger, uhich he did and put them to disorder, bot they rallied, and mead ther retreat orderly eneughe, so they haue not gainde much honor by this interpryses, God be blist I hop it sall be incouragement to ours. Our ea[r]mie is returnd to ther Liger againe. This is all I know of the particullars uhich ye uill know mor perfytly frome uthers. I shall uishe your Lord and you ane goud jurney, and a seaf returne. My selfe and chelderne ar in heallth, I thanke God; and Jeane is very sencsiablle of your Ladyships fauoure to her. Non shall mor heily esteime of your undeserued respeckes, nor mor feruently shall studie such ane returne as youre worthe deserues and mey chelleynge frome, Deir Madame, Your most afecttionat cusen and humblle seruantt

Margaret Hay.

I humblely thank your Lord for his rememberans of my brother: he uas sumthing trublled by his ryding to fast, in hot ueather, bot he is ueill nou: he went to the Earmie on Uedensday last.

76. Letter from James (Sharpe) Archbishop of St. Andrews, from Edinburgh, 26 July 1664, to the Earl of Athole, intimating a meeting of the Commissioners for visiting the University of St. Andrews (of whom his Lordship was one) to be held on the second Tuesday of August, and requesting the Earl's presence thereat.

77. Letter, A. Robertsone of Strowan, dated from "Kandlochranoch," 28 August 1667, addressed to "My Lord Strathord." That the writer had done what he could as to the oxen and horses taken from Lord Strathord's men, but could get no confession, only that "hie" (person not named) had confessed that "hie and his acompleses had nyine head of oxen and four peire of horse not belonging to anay of your lordships tenents. He was content to meit with your lordship's men heir to seie the goods proven againest hime and to satisfie for them if anay honest man wold declair that the goods hie had belonged to anay of your lordships tenents, or hie wold caus his neibors cleir that the tuo oxen seine by your lordships men weir the goods he had, and that he had no other," &c.

78. Letter from Andrew (Honyman), Bishop of Orkney, June 16, 1673, entreating the Earl of Athole's interest in a cause against the bishop as to teinds, &c., that his advocates may have a fair hearing, as he himself is disabled by illness from appearing before the Council. He was charged with riot, but the accusation was unjust, and he relies upon the Earl's wisdom and goodness that he be not overborne in his righteous cause owing to absence.

79. Copy, letter from the States General of the United Provinces to King Charles the Second.
$\frac{9}{19}$ December 1673. Protesting their true desire for peace, that any statement to the contrary was a misrepresentation; offering the restitution of the New Netherlands and other places taken by the Dutch in the late war; answering at length the King's objections to separating himself from the French alliance, while the States cannot break with their allies except at the risk of destruction to themselves and danger to Europe. They conclude by strongly pressing a rupture of the French alliance.

80. Letter from George, Earl of Linlithgow, from Edinburgh, 25 June 1674. [Address wanting, probably to the Earl of Athole.]
My Lord, To give you a short account of what materiall things hais passed in Counsall . . . the Commety hais bein going on in thair examinations, and imprisonment of keipers of Conuentikles and the tuo zelous sisters Mrs. Cambell, and Mrs. Jonstoune, continous still vhair they vor vithout aplicatione to the Counsell. This day the Fyff gentillmen appired, being 11 in number, all of them fyned and sent to the tolbouth, exsept the Laird of Naughtoune quho deponed he neuer was at any conuentikle in his lyff. The actt of parlament was the Counsels reull for euerry fild conuentikle, the half of ean yeirs valued rent; only one quho vas your lordship's Steuart deput is fyned in two thousand marks mor for hauing sheltered Mr. Vaittch in his hous and one Suet in faiff hundereth marks for his extrauagant spitches at the bar. If vee all doe our doutis, I houp this storm vill be vethered. The Deuk of Lauderdaill . . . is very earnest that resolut courses may be

taiken vith that krou and he is in the right," &c. (Signed) LINLITHGOW.

81. Anna, Countess of Argyll to the Countess of Athole.

DEAR MADAM, Inverary the 23 of September 1675.

I WAS verie solisitus all this sumer to know how your Ladyship and all yours war, and how you keep your health, and was one[e] going to send in to you bot I was hindered by my ouen sikness, and my Lord sent me word you was well, which was verie exceptabell to me: my dear Lord hes been in the condision of a soger this fortnight,—the particalers of all he hes wrot to your Lord, which maks me say no mor bot that, in all places I can be in, I am verie disayrous to be so hapie as to hear of your welbeing, and all yours, for I am with all respek and loue a wellwisher to you and am, Dear madam, your most affection[at] and most humbell seruent

ANNA ARGYLL.

Pray madam giue me liue to present my humbell seruic[e] to your Lord and I am my Lady Jan's seruent and my suit LADY EMILIA.

82. Letter signed "Jo: Morray," from Tullibardine, 20 June 1675, addressed to the "Laird of Belachen" (Stewart of Ballechin), desiring the Laird to send to Blair and cause his brother "send down heir this weik, withowt feall, thrie pair of Einglis Blankites that is in my Lord's chamer att Blaire, beeaus ther is som strengeris to be heire att my lord Pearth's buriall." Also desiring the Laird to "caus gett wyld fowl and venison agains that tyme." That venison had been written for eight days previously, but none had as yet come "quhich my ledie thinks strange of."

83. A letter, signed Alex[r] Murray, dated 11 November 1675, addressed to Charles Murray, referring, *inter alia*, to the Duke of Lauderdale. First stating that the King was very well satisfied with the affairs of Scotland, the writer adds: "Tho the House of Commons hes not, as yeett, begune to meddle with him [the Duke of Lauderdale], yeett it is beclived, they may among ther other grivances, when they cume in course, strive to have a hitt att him. Bot, Ile assure yow, hee is not anywayes affrayed of them, nor hes noe reasone to be soe. Ther are some of our ingrate degenerate cuntreymen (who inveyes all good men that hes ather loyalty or honnesty within ther brests) who daly attends att the Commons doores, lyke as many porters, ambitious to be slaves to them, to betray ther owne cuntrey and cuntreymen. Bot these men shoon evanish'd yeisterday, and stole themselffes away, when my lord, the Marques of Montroies, the Earles of Kinghorne & Aboyne, and, att least, 10 or 12 Scots gentlemen attending them, came all in togither to the Court of Requysts, and ther stayed all the forenoon to countinance the Duke of Lauderdale, which was verry much taken nottice of by every body that was ther," &c.

84. John, first Marquis of Athole, to his eldest son, John, Lord Murray, when at College. 3 April 1676.

"Tullibardine 3 Aprill 16[76]. Dear Jacke. Remember what I told you at parting. Consider you have but little tyme to stay at the Colledg, therefore make good use of it. You are growing towards a man and it will bee a shame for you not to take paines; and let not others that has not soe good a spiritt have the better of you by minding there bookes. Be busie now and ye will play enough hereafter. Dear Jack, remember you cannot bring back tyme: besides you cannot pleas me in nothing soe much as in this, and it will enable you to serve your king

and countrie. Be sure you conferr your lessons with your Tutor before ye goe to schooles; it will be of great advantage to you. I will craue an account of this from Mr. John Hardie. Of all things forgett not your devotions; let that bee the first and last thing ye doe, for you know to fear God is the beginning of wisdom. Remember your Creatour in the dayes of your youth, and it will be easie to you when you grow old. This will make you hapie heere, and in the world to come. God bless you dear Jack, and grant you mind these things, and I assure you of a kind father. ATHOLE."

Addressed: "For my Lord Murray."

85. Copy or draft letter, apparently to the Marchioness of Athole, relating to the proposed marriage of H.R.H. the Princess Mary to the Prince of Orange.

"October the 23 [1677]. Upon Sunday betweene 3 and 4 a clock his R.H. tooke Lady Mary into his closet and told her of the resolution was taken to marry her to the Prince of Orange speedyly. It was soe great a surprise to her to be married and leave Father and Mother and all our little world here and all in 2 or 3 weekes that she exprest her resentment in teares onely. After half an hour being together [the] Lady Governess was called into the closset and the Duke told her the King thought fitt to bestow his daughter upon the Prince of Orange and hee thought fitt to lett her know it and desired her to prepare her self to carry his daughter speedily into Holland. Monday morn. a counsell being called and satt the Duke came to them and told them his Majesty had been pleased to think fitt to bestow his daughter upon the Prince of Orange and that he was very well pleased with it; that some had reported that he intended to subvert the government and bring in Popery; that it never was in his thoughts, and that he hoped this marriage was a sufficient demonstration of his real intention with much more to the same purpose. Presently upon the Counselle rising the King came to Lady Mary, gave her joy and told her she was noe more his neece but his daughter and soe he should ever call her. About 3 a clock the Prince made his first address in the same closett the same persons being present. Att 4 a clock all the counsell came to give her joy; the Lord Chancellor spake but soe low that very few heard a full sentence. Madam, here is a generall joy bells and bonfires and too much drinking. This day the judges were to congratulate Lady Mary and the Prince in their severall apartments, Judge Rainsford being speaker. Att 4 a clock the Prince is to come to Lady Mary to make an acquaintance with her, the Lady Governess being present onely. The Duchess is very neare her time and is very much troubled to part with Lady Mary and soe are all that know her. 'Tis thought she will be marryed within 5 dayes and be carried away suddenly after. I have sent your Ladyship a prophecy out of Nostradamus by which you may see wee may expect a sonne. Deare Madam you may conclude by this that I shall not faile to give your Ladyship a true account of what passes here."

86. Letter from Ayr, dated 20th February 1678, addressed "For my Lady," probably to the Marchioness of Athole, perhaps written by John, Lord Murray, giving a sketch of matters in the West in the year of the "Highland Host." The writer says: "On Monday the 18th . . . we came to Aire about 3 a clock. My father went to the Committee where ther was litle done for all the express. Its impossible to tell when we shall returne, for the Councell themselfes knowes not till the Councell att Edenburgh sends them orders. Every body thinkes it will

be about a fortnight. All are extreame weary here, many of the Perthshire gentlemen are going home without liberty; the bearer of this, Fullertone, sayes he will be quite undone if he does not go. . . . I cannot thinke of any thing more to tell you only they say that within 5 or 6 dayes there will not be a bitt meate in the town, it's beginning to grow scarce already. The reason is, the country people dare bring nothing to the town for feare of Mar's and Caithnes men, who will intercept it, so they choose rather to eate it themselfes, but I belive we will soone change our quarters, so then there will be no want. We have just done dinner. My Lord Marr and Glencarne and Caithness has been dining with my father, who, God be thanked, keeps his health very well. . . . None that dwels in the west dare keep a hors aboue 50*l.* Scots, after the first of March."

87. Letter, James Earl of Arran, afterwards 4th Duke of Hamilton, to his sister Katherine, Lady Murray. From the Camp before Luxembourg, 3rd June 1684. After a reference to her health, he states that he and his brother are well, that they had suffered much fatigue. That the surrender of the town had been expected two days ago "becaus they sent out to capitulatt, but they only mead cusse of that pretence to meak upp some of ther workes that wee had destroyed, and begune that night to fier hearder than ever." In the end the town had yielded, and the siege was over. The Earl had been 30 hours in the trenches, and was very weary. He and his brother had both been ill of fever, but were better. "He and I lie in the Prince de Conty's tent, and ar taiken as much cair off as wee could be at Hamilton. I ame to goe post from hence to find the King, which I doe beliv will be at Versailles; but I shall only staye a day or two ther, and ask leave to goe to the Marishall de Shomberg's armie, which is in Flanders. My brother goes streight thither. . . . Wee have lost in this siege about two thousand five hundred men, and about 150 officers, killed and wounded, which is but verie litle, considering the streuth of the place which is look't upon by all Yeourop as the best fortification in the world. If the town had not yeelded when it did wee had taiken itt by assault tomorrow, for all the orders weer given out for that purposse." After stating that he had, the day before, seen Lord Charles Murray in good health, the Earl adds: "They say wee ar goieng to bisidge some towns in Flanders; when I know the certainty I shall wrytt . . ." &c.

88. Copy letter (the Earl of Melfort) to the Chancellor of Scotland, stating that the King was resolved to know the mind of all the Secret Committee as to what he designed to propose in the ensuing Parliament, whether they will concur, and instructing the Chancellor to ascertain the Marquis of Athole's opinions (who had been absent from the Council). The writer concludes: "I am oblidged to signifie to you that the king is resolved to know how his servantes incline to please him, that he may take measures accordinglie." London, 17 April 1686.

89. Letter, Earl of Melfort to [the Marquis of Athole]. Windsor Castle, 28 September 1686. That he had heard of the Marquis's apprehensions as to a Commission under Lord Strathallan to go into Argyleshire, and assuring the Marquis that whatever may have happened in Argyle, without the latter's knowledge, that he stands exonered. That the King is persuaded that the Marquis did him good service in Argyleshire. That the Earl will interest himself and nothing shall come as a complaint before the King that he can hinder.

90. Letter from James, Earl of Perth, Chancellor, intimating to Lord Murray that the Council intended to call out only a fourth part of the militia of the kingdom, and he is desired to thank the gentlemen who had turned out, and to allow them to return home, that they might send out their proportion of militia, &c. Edinburgh, 16 October 1688.

91. Letter, the Marchioness of Athole (Lady A. S. Stanley) to her son, Lord Murray, then apparently in London, dated 3 January 1689. That his father is troubled at not receiving letters. She wishes him to write under another cover, as some letters had been intercepted. "My lord intends, God willing, to goe next week, and you will wonder when I tell you I haue bin allmost tempted to wish he had gon from me with the crowd, who considered their own interest and safety which he did not, for I swear he has nothing but trouble heer to keep the poore country from being altogether in confusion; and everybody thinks their would have bin nothing but cutting of throates if he had not stayed. God help us when he is gon." She again hopes to hear from her son, and adds: "D[uke] Queensberry wint with his great traine 3 daies agoe." On the same day "late at night" the writer adds: "Since the writing of my letter, 2 houres agoe, my lord has receiued one from my lord Bradallbane, the only one from any of you since your parting hence, wherein he tells him you all desire his comeing up with all the hart imaginable which, accordingly, he intends, God willing, Tuesday. . .

He thought his stay more necessarie for the Prince of Orange service and the good of his countrie, which certainly would haue bin in the greatest confusion imaginable if he had left it sooner. The first day of the new year he made his Highness declaration [be] proclaimed with sound of trumpett, and with all solemnitie, at the cross heer in Edinburgh. [The following is in the writing of the Marquis]:—The E. of Pearth hed med his escepe if I hed not ordred the louking beter to hime. I haue put upe others that wer disafected to the Prince of Orange. Neuer mane hes bene in trubell I haue bine in sinse you want; pray lett the Prince of Orange knoue so much. Sir Johnne Dirumple and all cane bire me witness of this. If all this be not considred as uarie goud seruice I haue ill louke; houeeuer, I haue done my doutie for my religion, the Prince of Orange, and my countrie, which is [a] satisfactione to me. Adoue my deare Jacke." The writer concludes by repeating his intention of setting out shortly.

92. Letter, signed "Robert Murray," to the Marquis of Athole London, 5 March 1689.

My Lord, Long er this I hope your Lordship is safe in your own country, which most be a satisfaction to all your friends with you, tho' no smal lose to us here. The Earle of Arran is in the Tour for treason, bot not close; Doctor Burnot is made Bishop off Salisburry; the Earle of Notingham joint Secretary with the Earle of Shrowsburry. The king hauing quit the chimny money, hes wonderfully pleased al the people off England. It is not to be douted bot your Lordship will promot his Majesties interest to your pour, for therin is the only safty of the protestant religion. The great God hes honored him to be the happy instrument off delivering his church; it will be your glory, my lord, to be active for his Majesty, and I am sure your lordship will have abundant peace and satisfaction in your owne mynd, and much esteem from all good men in so doing at present, and praise for ages to come in the churches. You know who says a good name is better than great riches.

I know your lordship stands in need off no argument of myn to appear in so great and so good a work; pardon my zeal and alow me the great honor always to be, My lord, your lordships most humble and most obedient servant

London 1689. ROBERT MURRAY.
Mart 5.

Many of the bishops have taken the oathes to the king. It[s] said the most part will that have not yet. We ar nou very unanimous. Ther ar thre regments going from this to Scotland. Major general Mackais, Ramsay and Balfours. Eght thousand men ar going to Holand. Threteen regments ar to be raised here at present.

93. A letter, not signed, addressed to Lord Murray. "Perthe May ii, 1689. This day, be 3 in the morning, Dundie, withe about 80 or 90 hors, entrd the toun and surprise[d] the laird of Blair, and all his oficers, and hathe caried them withe him prisoners, and taken all ther horses and airms withe severall horsis belonging to the new leavie. Amongst the rest of the prisoners I was on myself, and my airms taiken from me, but I recouerd them againe. This will make a great noyse at Edinburgh, and its like the shire may suffer for it, althoge I am confident bothe this toune and shire is very innocent. Ther is parties just nou searching for ammonition, and he is just nou refreshing his horsis in the Inshe and it is thought he will call at Scoon. Wher he gose after this, I knou not. I would gladly knou uhen your lordship intends for Falkland."

94. Letter from "Do. Robertsone," dated "Calvein 26 May 1689," addressed to Alexander Robertson of Strowan, beginning "Honoured chief, it seems our trist will not hold, therfor I wish yow to take the most cred[it]able way to begin in your kings service." The writer wishes him to delay his journey, if possible, for a day or two, as the countrymen whom he is to command are not ready to march. [On the third page of this letter is another by "Mari Baillie," dated Carie, May 25, 1689. Gentlemen, tho' you heaue no kindnes for my son, yet, for God's seack, heaue it for the Lard of Stroun. He is going to Badenoch just now; for Cristes seack com in all heast and stop him, for he will not be aduaised be me. I am, your humbell seruant, Mari Baillie. For Faskelly, Caluien, Hachlieky, Blarpetie, and all the rest of the Robertsons in Atholl.]

95. A letter, addressed to Lord Murray, signed "Mari Baillie," dated "Cari May 29," 1689: That the writer never was, or will be, aecessory to anything that may offend Lord Murray in word or deed, "and if that child who is cald the leard of Stroun heath spock anything that did not becom him, I humbely beg your lordship may impute it to his childesnes wihch is alwayes acompnied with folie and be so good as to pardon him. As for me he heath altogether discarted my intrest and aduices, and is only reuled be his frindes in Atholl, and, indid, I am not ill plised with it, bot the most part of them have wronged me extremly." The writer begs that, since she is in that desolate place, Lord Murray would order the men in Bonranoch to help her if in trouble from thieves and robbers. "I belive this is too muche for me to aske, bot not for your Lordship to grant." In a P.S. the writer adds: "My Lord, consider my letter to the Robertsons and Calviens to Alexander [the preceding letter] bot let it not be knowen, for God's seck, that I sent it, for they will kill me."

96. Letter, not signed, but in the handwriting of the Duke of Hamilton, to Lord Murray. He is glad the latter can give such a good account of the Atholl men, of whom the Council were about to send a bad report to the King. He comments on "Ballachquhan" (Stewart of Ballechin) as behaving not as King William's subject. In regard to Lord Murray's complaint about Ramsay's men passing through his country, Hamilton thinks they cannot be blamed. "Where armys comes such things will fall out, and is not to be avoided, but men must not go from their duety notwithstanding." Had Ramsay been with Mackay in the present state of Dundee's army, as reported, they "had done his bussines." "If Dundie come to your countries its impossible to avoide our troops comeing there, for he must be followed wherever he is, be the consequence what itt will, and I wish you may take such courses as nether your father, yourself, nor your countrymen may be blamed, but neutrality will not long be alloued of," &c. Holyroodhouse, 30 May 1689.

97. Letter from [John] Haldane of Gleneagles to Lord Murray, dated 16 June 1689, excusing himself from meeting Lord Murray at Tullibardine, which he wished to do, but was obliged to attend Parliament. He complains of Lord Eglinton, who "after having comited unheard of inciviltys by his troupers has givn out in al companies that he uil represent this as the most disafected countrie in Scotland, and that he uil petition that ther may be mor forces bronght to eat us up," particularly the country of Athole.

98. Letter, the Same to the Same, dated Edinburgh, 21 June 1689. . . . . Befor I cam from hom I heard that ther wer som Highlanders in arms upon the acount your lordship wreats of, but has not since my hear-coming heard anie noise of it. Ther is daily and from evrie corner of our countrie coming compleants of these people which ar quartered amongst us. I hav myself represented to manie of the counselers how ill we ar used by them and that besyds ther paying almost nothing for ther dyet, they ar extream rude in taiking auay some gentlemen's horses and most peopl's arms." He believes they have no good authority for such proceedings.

99. The Same to the Same, dated at Edinburgh, 30 June 1689. . . . . I hav not as yet been in the house [of Parliament] by reson that evrie member who went in uer oblidged to taik the oth of alegance, and I do acknouledge that I am so litel fond of oaths as not to be desyrous to taik anie mor nor what I hav alreadie ingadged in" &c.

100. Letter, John Graham, Viscount Dundee, to Leonard Robertson of Strathloch and John Robertson of Bleattoune. (?)

Stroan 10 Jully 1689.

Sir, By certain acounts from Irland I am sure the king is just at the landing. The enemie knows this and are now designing, I hear, to make a last endeavor, being in dispair to prosper if the king land. They strugle to ruine all honest men. I hope, seing you have caryed yourself so well hitherto, and that so litell tym will releive us and yow from your trobel intirly, that yow will not loose your honour, nor wrong your consiences, by joyning with the rebells or looking on till honest men be ruind, which is wors. Therfor I require you in the Kings name and authoritie, and intreats you as your friend, to rise in armes and come to Blair of Atholl or any other place, in that contrey,

that shall be thought most convenient by Pitcur and the rest of the loyall gentrie of your countrey who will joyn him. You need not haue the least aprehension; I will bring such a body of men to your imediat assistance as will confound all the enemies dares apear. Som are marcht already. I will be with you, or meet you, with 4000 Highlanders, Islanders, and Lochaber only, besyds all that will joyn us from Badenouch, Atholl, Mar and other loyall contries. I have a boat goeing imediatlie for Irland, to acqueant the King of all this, and to heasten to pour in troups on all hands, and advise himself to land in the west. I sent Mr. Hay to him who landed in Irland ten days agoe, to press his landing, which I am sure you will see imediatly: so you have a glorious occasion, and no great danger, and I will assure you I will bear testimony of all your good actions, and see you rewarded, I am, Sir, your most humbl servant,

DUNDIE.

I am resolved that whoeuer refuses, in any part of the kingdom, to joyn the kings standard, at my call, who have his Maiesties commission and authoritie to make war, I will hold them as traitors, and treat them as enemies, but I need not suspect any of you, and I designd not to have stirrd for som tym, had I not heard that Major-General Makay wes to fall upon your contrey and Mar.

101. Letter from Leonard Robertson of Straloch to Lord Murray, of date 14 July 1689, enclosing the above letter of Dundee, a circular sent to every gentleman in the district. Three hundred Kintyre men and Highlanders have joined Pitcur at Blair-Athole, and the district is threatened with ruin, unless Lord Murray be present in person.

102. Letter from Major-General Hugh Mackay to Lord Murray, with threats against Stewart of Ballechin, who commanded Blair Castle for King James.

My Lord, I am com here from Sterling today, and doe intend for Dunkell tomorrow and from thence to Blair for I will not leave that fellow behinde me, in the Castell, but your lordship can freely cause tell him that, if he oblidge me to goe out of my way, and so hinder my march, I shall cause hang him at the gate, for his Rebellion now, as well as what he did before, by imprisoning my messenger, and sending my leters to the ennemy. If your lordship could light upon som trusty men, to send them to Lochaber, to get sure inteligence of the motions of Dundie, and the Highlanders, it wold be of notable advantage to vs, and haply be a meane to spaire vs some marches, to which otherwayes we might be subject som tyms. If the Castell of Blair did suirrender, I might haply take my marche another way. I wish your Lordship may take mesures to sound the Athole men, to the end wee may take our mesures as wee know them inclined. This is all at present from, my Lord, your Lordships most humble and obedient servant,

H. MACKAY.

St. Johnston,
July the 25th 1689.

103. Letter to Lord Murray from Patrick Steuart of Ballechin, of date 25th July 1689, intimating that he is content to serve King James as long as he lives. "I am informed that my Lord Dundie wil be heir with his quholl armie this night. In my humbell oppinione your lordship wold be pleassed to causse your wassells lay doun ane meathod to provyd meaitt for them that our pleace off the cuntrie doe not be

reuined, but that all the cuntrie bear a lyk burdin." [There is also another letter from Steuart of same date, the contents of which are somewhat obscure.]

104. A letter, without signature, addressed to Lord Murray from Perth, 25 [July 1689]. That the writer had shown to Major-General Mackay Lord Murray's letter, "and delt with him that his armie might not march the Atholl road. He tould me that it was a thing imposeble that he could pas by Blair Castell, wntill it wer in the Kinges hands, or your lordships. The Generall with most of the armie marches tomorow, and is to incamp neir Dunkeld. Mackay declaires if the castell be not in your hand, or he com, that he will hav it, cost what it will, and declaires that he will hange Ballachan over the highest wall of it. He also declaires that if your lordship wer not ther on the head of your men, or in the least he wer oposed, he wold burn it from the on end to the wther. Macay desyerd me to wreit to Dunkeld that meat and drink might be provided to them for ther money. I hav wreit a leyn to Robertson for that effect; if ye think fit ye may second it, and, if ye judge it convenent, Macay wold gladlie see yon at Dunkelld, but if ther be aney hazard in leveing of your men he [would] much reather ye wold stay. If ye hav aney furder comandes for me; if it be possbell I will be at Dunkeld the morou." [Endorsed as despatched from Dunkeld on July 26.]

105. Letter, Major-General Hugh Mackay to Lord Murray. "Dunkell the 26th July 1689. My Lord, Having heard that your lordship hath retired from the Castell of Blair the mater of six mile on this syde of it, and not knowing what may be the raison therof, I sent this expres desyring your lordship may give speedy account what you have learn'd of the ennemy and whether his approach be not the raison of your retreat, which, if it be, I desyre your lordship may deffend the passe and keep it free for vs till I be with you, which, God willing, shall be tomorrow in the forenoon. Your lordship then shall be pleased to post yourself in the entry of the passe on the syde towards Blair, and let me know, by an express, how maters goe there. My Lord, it shall be ill look'd on if your men should now favour the ennemy, and certainly very disadvantagious [to] my Lord your father, and the contrarie is the readyest way to rub of the jealousies which the former behaviour of that contrey did beget of him in men's spirits," &c. "H. Mackay."

106. Letter to Lord Murray from Patrick Steuart of Ballechin, Blair Castle, 27 July 1689. The writer recommends Lord Murray to wait a day, and to summon men to meet him in good order at Pitlochry. He excuses himself from meeting his Lordship there, having received "orders from his Majesties livetenant to deffend this pleace for his Majesties service, quhilk I resolve, God willing, to doe." He is also informed by Dundee that forces from Ireland had landed at the Castle of Dowart, and that the King would shortly land with a great army. "Certanlie they ar at Lochaber yisterday, the wynd blouing soe fair. Ther is not ane man betuixt this and Lochaber except that partie off Ardgylshirmen that was heir," who had marched to the north. The writer does not doubt but Lord Murray will declare for King James, whose restoration the writer greatly desires. His Lordship's vassals will obey his commands better than "aney man in Scotland, but iff your Lordship be off ane other mynd as God forbid it is to noe purposse your lordship cume to this cuntrie, for it will bring all the airmes heir and maik it the seait off the wair till it be reuind, whereas, upon your

lordship's assurance, my Lord Dundie will not cum heir it, which will maik all your wassells both feight and pray for you," &c.

107. Letter to Lord Murray from his brother, Lord James Murray (of Dowally), from Tullimet, 28 July 1689. That, for all the care taken to keep the Athole men from joining, they were so engaged "in blod and plunder" that they were ready to join, and the writer had written to Dundee about his father's papers, when he heard of Dundee "being killed." This will lose them the victory, and he will use it as an argument to the Athole men, &c.

108. Another letter from Tullimet, dated July 29, 1689, signed "Thomas Stewartt" [of Stenton, near Dunkeld], stating that Strowan Robertson and Duncan Menzies, with an advanced party of King James's forces, had passed on their way to Angus. They threaten to kill all who refuse to join them. Their orders, since the death of Dundee, are given out by "one Cannone, ane Scots officer vho cam from Irland." There were none killed of Dundee's party, save Dundee himself, two brothers of Glengarry, a second son of Sir Donald McDonald, one Robert Ramsay, and Pitcur was deadly wounded. "My Lord Dundie vas shot dead one the head of his horse," &c. The letter is endorsed "Stenton's July 29."

109. Letter to Lord Murray from R. Campbell of Glenlyon. Chesthill, 29 July 1689. He complains of Colonel Menzies [of Weem] and others. He has not been able to command even a horse to carry bread for his family. He reminds Lord Murray that the men of Glenlyon were not under his command, though the writer would have led them to meet Lord Murray, had Colonel Menzies not contradicted the order to do so, &c.

110. Letter, Major-General Mackay to Lord Murray.

St. Johnston the 4th Agust 1689.

My Lord, I have keept your servant a litle longer here then he wished, because I had very litle tyme to wryt. What men may speack to my disadvantage I doe not much care, for I deffye them to get a man more zealous and vpright for the cause; and, if they attack mee in point of conduct, they most know the trade beter then I to condemne mee with all. When the King thinks he can be beter served of an other in Scotland no man shall be more ready to resigne the charge in anothers hand then my self, to serve his Maiesties intrest elswhere, if he have occasion for mee: so that those men who will charge mee with any blame, will loose their aime, for I am prepared for those rencontres, having no other intrest in the whole mater but that of conscience for my Religion, and affection to my souueraigns, and the Countrey wherin I was born, for whose peace and settlement I shall, not only pray, but, with God's assistance, willingly fight. What touches your lordship in this mater I can neither say lesse or more of it; only that I thought myself bound to beleeve your declaration to me till the contrarie appeared, and for your inteligence that the ennemy was but two thousand strong, I can assure you that, in the eppinion I was then of my own forces, if you had spock of double that number, I had not made one step otherwayes then I did; for, certainly, by all the judgement I could make of their forces, they were not stronger then I, so that I had more thoughts to attack them in their Camp, then to see them cum to meet mee, but their resolution, as well as my mens lachetée, were by a providence which we must reverence, though wee can't comprehend the raisens of

it: however, I value myself in nothing but affection and sinceritie for the advancement of this cause, wherin, I thank God for it, I am unstained; for my own conscience is worth a thousand witnesses to mee: whether now my Lord the cariage of your men was by connivance or against your inclination and commands I can testify nothing of it, but charity wold make mee beleeve rather the later; but surely your men have ruined those disordered forces three tymes more then the enemy, and Lt. Colonel Lauder tells mee he found none of your men vpon the pas as hee came vp; withall your Lordship gave mee much assurance they wold not joyn Dundie as long as you were in the Countrey, notwithstanding that, I know your brother, whom I saw with you that morning, to be actually at present with that party, with the greater parte of Atholemen, so that, my Lord, I can say litle or nothing to your Lordships vindication, and as litle to accuse you, except it bee by the practis of the kingdom who make the chiefs answerable for their clans and followers. I confesse that I, who know the custum of highlanders, am hardly persuaded that the Atholemen wold take these violent mesures against the government, if they had no other grounds for it then Balcachan and his brothers authoritie; but, that the fault should lye at your door, I will not say, but sure I am it lyes somwhere. I wish with all my heart it had been otherwyse for the respect I had allwayes for my Lord, your father, and his family; for I thank God for it that the Ennemys have goten but sober advantage by their victory; if your lordship hath any credit with your countreymen you should advyse them to draw of in tyme, as, I am informed, they will take the hills shortly: I mean their guests, but I leaue this to your own consideration and their hazard, I am, my Lord, Your Lordships most humble and obedient servant

H. Mackay.

111. Letter to Lord Murray from James Stewart of Kinrorie. 6th August 1689. "My lord, I humblie thank your lordship for your cair and offer givine your vassalles. I hop ther will be feu, or non, soe foolish, as not to imbrace and lye hold one it. For my oune pairt . . . . I neither acted nor connieved att any misdemeanours, and am soe represented to the Highlanders that I had ane hand in what came vpone them, that all my cornes and movabills, and my tennents alsoe thers, are quyte destroyed. . . . I assure your lordship albeit they should burne all my interest (as they have severall tymes threttined to doe) I shall, God willing, doe nothing without your lordships comands, and to my power shall be readie to obey what your lordship shall injoyne," &c. Signed "Ja Stewart."

112. Letter to Lord Murray from Mr. Leonard Robertson, Binvrakkie, 7 August 1689. That he would have written sooner, but durst not send a bearer. "Houevere, our cuntrey hath exactlie followed your lordships instructiones, althought somewhat to there prejudice as to there moveables. I have seen your lordships letter to the wassalles, which I think non but ane madman will refuise to imbreace. I find Robert Robertson is att extraordinarie paines, which I hope will prove wearie succesfull. As for our cuntrie I know they are fullie resolved to live and die with your lordship excepteing werrie feue," &c. "Mr. Leo. Rotsone."

113. Letter, "C. Graham," apparently to the Marchioness of Athole, in reference to the state of affairs in the house at Dunkeld.

My Laddy, Yesterday, General-major Mackay did send me a letter from my laddy Duchees of Hamiltone concerning the papers hou where

in this house. I was send here after they ingadgement, and found the greates[t] confusion that ever I saw in the house, being the house taken up by the wounded shouldiers and officers. I did all what was in my pouwer to prevent disorders. I send for the gardner, orderd him to take doun al the hangers and furnissement bedis, and I orderd them to be put in one room, and put sentrys upon them of my oun men, and al things that I found, sints my coming here, I did seal [and] saved it. For the papers they are buried I offered a guard to Mister Stuart of Stenton to [have] convoyd them away, bot he thaught they where safe where they where now, for the cair I touk for the house, and the preservation of not being burnt, by the mutinious shouldiers, I referr myselff to Mister Stuart and your gardner. I pity the house to see rain coming rinning doun, being the leet was cut for defense of the shouldiers; therefore, your ladiship be plaised to order this to be mended with al spead. I shal see the house free from al inconveniences before I shal leave it, at least I shall tel the general of the danger the house should be in in case I cam to be removed before Angus redgement were marched. I thought it my duty to acquaint your ladyship of this, and assuring that I am, My laddy, Your most humbel and most obedient servant

C. Graham.

Dunkel the 7 day of August 1689.

114. Letter, Jo[hn] Robertson, Balnagrie, to Lord Murray, approving of his Lordship's letter to his vassals. 8th August 1689.

115. Letter, John Lord Murray to his brother, Lord James Murray. Edinburgh, August 24, 1689. He expostulates with Lord James for countenancing the rebels in direct opposition to their father's commands, and shows the folly of the course taken. He offers on the authority of Duke Hamilton free pardon to Lord James, and even to Ballechin, if they come in at once, &c. [There is also a draft circular letter of same date, urging the recipients to yield obedience to the Government.]

116. Letter to Lord Murray from Sir Patrick Moray of Ochtertyre. Fowlis, 3 September 1689. "The number which the Highlanderes raised and brought alonges out of Atholl, after the victory their, was but small, with on or two Heritores besides old Ballachan; his brother, Alexander Steuart, being left by them as Governour of the Castle with some Irishes. All the rest, both vassales and people, stayed peaceably at home, save that they grudged greatly at the garisones oppression. Major-Generall McKay haveing caused publish and fix ane paper on the cross of Dunkeld, bearing that all who should repair to their own duellinges, and live quietly, would receave no molestation from him, afterwardes on the 17th of the last month, my lord Angus his regiment was posted at Dunkeld, the noise wheirof immediatly alarmed the whole country, who heard that they were Cameronianes and Argyles men, names most odious to them, and receaved informationes from all handes that they were come with a peremptory commission to burn and kill all before them, without distinctione, which was firmly beleived they would effectuat, tho they hade wanted orderes, being they fell a plundering that toun, abuscing all the men who upon confidence of the former assurance stayed in and about it. Wheirupon those from Moulin downward, that side, came next day to the hill head; at the east end of the town, and sent a letter to those within, importing themselves to be a watch for preserveing the countrey from theeves, and desireing to knou if they had a design to plunder and destroy, that, in

case they hade not, their should no molestatione be given them in their abod or march but civill treatment. Cleveland [Cleland] returned answer that he came to execute King Williames commandes, that he was not to plunder but to press ane indemnity, and treat all as enemies, who would refuse it. Upon this reply, that partie retired a litle up the countrey, and Alexander Steuart, with such as followed him, came in veiu of the toun on the 20th, haveing dispatched postes to hasten up Canan with the Highland army, who came and attacked the toun timously next day. Whilst those within fired the east end, the Highlanderes kindled some houses in other quarteres and after a litle sharp encounter retreated towardes the craiges, these within haveing betaken themselves to your Lordships house, Mr. Burtes, John Bennermanes, the late Commissares, the steeple and church, which is all that remaines unburnt. The Highlanderes, haveing disaggreed among themselves, and hearing that Laneire was near upon their backes with a body of horses, marched up the south of Tay, plundering all the way the lenghth of Killichassie, whence they crossed to Blair, and had fired the castle, were it not that my Lord James got it preserved with great difficulty, as before he hade with much adoe saved the house at Dunkeld when they encamped their, the consideratione wheirof I understand was the only motive which engadged him to join them at first. He is now at Edinburgh. Those of Atholl who were with Canan deserted him, save only old Ballachan, his brother, with his three sones, who continue as obstinat as before they were treacherous. In the mean time M'Kay came to Perth, wheir Argyle, with all the rest of his forces, were gathered, consisting of about five or six thousand foot and horse. The souldiers did great abuses their and in the neighbourhood dureing their abode, pillageing houses, seizing cattell and carrieing in vast quantities of shorn cornes, notwithstanding their was abundance of forage and provision layd in to their Commissary and offered them for pay." Various persons had come in asking the benefit of the indemnity from Mackay, on behalf of the Athole men engaged in the rebellion, yet, in his march to Dunkeld and Blair, he had burned numerous places, and his soldiers every where "broke and pillaged all within doores, and destroyed the cornes, and all they could reach without. They stript the cloathes of such as mett them. Att Blair McKay imposed and caused advance two hundred cowes with as many sheep for provision to his camp. Many of the inbringeres were stript and robed of their beastes, yet they were made afterwardes to refound them without the least pay or allowance." On receiving Blair Castle from those who had been left in charge, Mackay issued orders for all the vassals and tenants to appear before him, and deliver up their arms and swear allegiance, which they have done. Those that had never joined the rebels were treated with equal severity with the others. The soldiers seize everything at their pleasure, particularly horses, and the planting about Dunkeld and Blair has been maliciously and unnecessarily destroyed. Those vassals who had joined the rebels, as well as those who did not, are now sensible of the justice of Lord Murray's conduct, and they will henceforth give cheerful obedience. They are amazed at the little shelter they have under the indemnity, and that when they take the benefit of it, they are ruined entirely.

117. Letter, in the handwriting of John, Lord Murray. [Address wanting.] Edinburgh, May 29. There is a Comission under the Great Seale from the King, to the persone in the notte inclosed, impowering us to examine any that concerns the murder of the Glenco men, and what relates to itt, and to call for any we judge can give information

and examine them vpon oath. We have sent for Coll. Hill and Live. Coll. Hamilton, and others, and have examined the Major-Generall, Major Forbes, and any we thought coud make discoveries here. I have sent to acquaint the Laird of Glenco, and any of his people that can give best information of the matter of fact, who, I hope, will gett satisfaction for theire goods. I have also writt to Glengarie to come to give what information he can. The Earle of Breadalbane gives out that he is sure nothing will be made out against him, because the orders and letters in that affaire did come from a freind of his who, every body concludes, he advised, I meane the Master of Staires. But it concerns the whole nation to have that barbarous action fully and clearly made out, and laied ou to the true author and contriver of itt, whoever it be, and innocent blood is a crying sin, which all have reason to endeavour to bring the authors of it to light. I kno none has been more sensible of this then my father, wherfore, I doupt not but his Grace will assist to bring it above board which has now for some yeares layen hid, and perhaps may alwayes, if, by this opurtunity, be not discovered. I desire his Grace will acquaint me who he thinks can give best information of the contrivance. I kno Barcaldon knoes all the interigues of itt, and of the capitulation Breadalbane made with the Hilanders, but its to be suspected he will not be ingenuous where his master is concerned. I kno also Capock understands the bussines, and the privatte transactions Breadalbane had with the Clans, which is desired by the Goverment here be discovered truly, and will bring the Glenco affaire to be best understood, wherefore I have sent a protection to Capock thatt he may be in no hazard. I believe his late message to my father will incline him to be the readier to come to and be ingenuous, but I leave itt to my father to doe in itt as he thinks fitt. If his Grace does send I intreat he may doe itt when this comes to his hand, and cause him come first to his Grace who will be pleased to send one with him streight here to my lodgings, least he be tampered by others. I think he ought not to kno anything untill he comes to Dunkeld, and it were not amiss that the gentleman he sent with his letter came with him. But I shall add no more now, but expects my fathers answer what he does in itt as I doe not think proper to send for Major Menzies now, or that he know anything of this till Capock be here. I shall be glad to heare my dear father and mother are well, and how his Grace likes Blaire. If it hold what is talkt is designed, to call some to the Lords of the Treasury to accompt for malversatious, his Grace will I hope readier gett justice, since I believe there is few in the kingdom but woud have obeyed the Kings letter but themselves. We are sworn not to divulge the particulars of the Glenco bussines untill the examination be ended; when it is, your Grace shall see that it has been a more horrid bussines then was imagined. I send a good many gazetts and news letters which I forgott the last occasion. Capock will have reason to be satisfied he can come here in safty, and we may end the Glenlyon bussines in which I shall be advised by your Grace, who will consider that those poor people ar, this yeare, almost starving, having no meale and of the few beasts they had gott. My lodgings are in the Cowgatte at the foot of Libertone Wind.

118. Letter to Lord Murray, not signed, apparently from the Marquis of Athole. January 25, 1693. Recommending the bearer, Mr. Comrie, who is commissioned by his brethren, ministers in the north, to acquaint the Council that they have prayed for King William and Queen Mary. The writer desires Lord Murray to use his influence with the Duke of

Hamilton and others, that the ministers may not be troubled with citation, "for you know they are all very good men."

119. Letter to Lord Murray from "Mich[ael] Malcolm," dated Edinburgh, Tolbooth, 19 June 1693. The writer expresses his experience of Lord Murray's kindness, and begs a favour. That some two or three years ago, he had been seized by the Government, confined in Edinburgh for a time and then liberated on bail. That he had been again charged to appear before the Council, but on appearing had refused to take the oath [of allegiance] and was committed to prison. He refers to Lord Murray's knowledge of how peaceably he had lived under the Government, and he begs his Lordship's influence that he may be liberated on bail, or confined to any place in Fifeshire, or "att least to anay prisone ther, for hear, I doe seriously declare, [I] cannot live, but in danger of my lyfe, the aire being so gross and the prisoners so manay." He begs Lord Murray to add this to his former favours.

120. Letter to Lord Murray, on the state of the Highlands, and proposed remedies, by J[ames] Steuart [of Ardvorlich].

My Lord, Mccorranstoune, 18 Jany. 1694.

Heareing that your Lordship wes to make some stay att Court, I judged it my dutie (considdering your Lordships inclynationes, and capacitie to represent and gett the grivances of the countrye redress'd), to give you the truble of a short account of the same, in soe farr as I then understood. This I sent by the post, about two moneths agoe, but knowes not whither it came to your Lordships hands. However least that hes miscarried I shall giue your lordship this short account of what I wrot then, att more lenth, which wes how miserablie this countrye is abus'd by a pack of villanes that hes noe uther trade but stealinge and robbeing, and yet noe course takine to surpress them; altho it be trew that ther are noe great spreaths takine away, since the garrisone wes planted att Innerlochey, Yet I never remember in a peacable tyme to see such complaints of stealing of horses, and uther beasts, as ther hes bein this tyme bygone, and such swarmes of idle rogues goeing, without any body to notice them, and to giue the poor justice, or redress, for his loss, except when accidentalie he falls upon his beast in some of ther hands that with much adoe, he gettis restored, and in that same caice, ordinarlie, the task, all money, and what other expensses he's att to gett notice of it, surpasses the valow of the thing, and, allthoughe the theif be takine in the fang, the poor man is forced to lett him pass for want of justice. For your lordship knowes that poor people hes not wherupon to follow such persutes before the Justices att Edinburgh, that requyreing more money than many of them are worthe. I could give severall instances, even since my last to your lordship, wher the theiff hes ben takine with the fang, and, for want of money to persew him att Edinburgh, hes bein lett goe againe, upon his giveing some satisfaction for the guids stoline. The rogue thus lett pass, possiblie before he sleep, will not miss to steal as much from the nixt neighbour, as ane nimblie practized of late. This keeps the countrye in a continuall truble, which is become a perfect nurserie of theives, for they are now sure that all ther hazard is restitutione, altho' the matter be clearlie proven against them, in ane actione of spulzie. I told lykewayes your Lordship how these same persones that were robbeing the countrye, and had noe charge in aither armies, the tyme of the late trubles, takes up money from poor people, under the notione of watchmen, without any ordour from the Counsell, and the people are

glad to giue it them for fear of worse. In some places they give them 5 lib. scotts yearlie out of the 100 lib. of rent. This is more then three months cess comes too, and, ordinarlie, they are (notwithstanding of ther undertakeing to watch the countrye) more deep in theiveing then the commonest rogue that steps. It wold take. my Lord, a volume to repeat the many different methods they haue to oppress the countrye. When I wrete my last to your Lordship ther was some reports that the circuit courts were to sitt shortlie, but nou we hear no certaintie of it. In a worde, if they doe not sitt and that verrie quicklie, I cane persuade your lordship the state of the countrye will become daylie worse. My Lord, I shall not now give your lordship the truble of the repeticione of the necessitie of thes courts, and of ther being the best meanes that ever hitherto wes found for crubbeing theives and brokine men, as daylie experience hes showine ; neither shall I truble your lordship to tell of the ordinarie and most effectuall method of guardeing them, and bringeing in such brokine men as shall be dinunced by them, haueing severall tymes spokine of it to your lordship and writtine fullie of it in my last: only that my humble opinione is still that ther is a necessitie to haue honest men appoynted for that service as best knowes the Highlands, otherwayes thes courts will become contemptable when their acts are not exactlie putt in executione, and fugitives not brought to justice, which as I told your lordship any partie of the standing forces, not being acquainted in the braes, cannot be judged capable to doe. I know non fitter to raise such men then your lordship. If ye had a regiment appoynted for this use whereof att least the one half brae men (the garrisone being still att Innerlochey), ye might make the Highlands more peaceable, for anything I know, then ever ; and, I am apt to beleeve, if your lordship wold once appear in it, ye might haue aboundance of men, with verry little truble to the cuntrye in raising them, that wold serve the government as faithfullie as any receaves their paye. Neither cane I see what prejudice it cane doe to the government to haue such a regiment, seing they may be reddie upon everye occasione to joyne the armie when the goverment hes neid of them. This being trulie considdered, and, in the mean tyme, what good they may doe to the countrye in this statione, it will be found that they may prove the most usefull regiment in the kingdome. My Lord I shall truble your Lordship noe farder, only that I must mynd your lordship that, as rogues both hates yow, and fears yow, soe all honest men here loves yow, and hes great hopes of yow, and that your lordship will now act, whill ye have opportunitie, for the good of the countrye. It will undoubtedlie tend to your honour to frustrat neither the expectationes of the one or uther, which soe weell quadratis with your character and statione. It will much truble me to think that my last should haue miscarried, soe I beseech your lordship to doe me the honour to acquaint me if it hes com'd to your hands, which is all from my lord. Your lordships most humble and most obedient servant

J. Stewart.

My lord, If the circuit courts do sitt, I doubt not but your lordships advyce will be requyred in nominateing the Commissioners. Soe I intreat your lordship to remember to gett in the governours of Sterlinge and Dumbartoune Castles to be tua of the Commissioners for they may be of use to thes courts in many caices. I am still of the mynd that your lordship should not deelyne to be in the Commissione, for, such as your lordship being jouyn'd, wold make thes courts appear the more splendid, and with the more authoritie.

MSS. OF THE DUKE OF ATHOLE.

[The letter is addressed to Lord Murray, while the latter was in London.]

121. Letter to Lord Murray, in London, from "Patrick Murray," dated Edinburgh, 1st March 1694. The writer expresses his pleasure that Lord Murray had accepted a regiment, as he had wished him to have a charge under Government. "I hope, in your station, you will indevore to make it as easie as possible to evrie bodie, which I am perswaded is not only the trew meen to make evrie man live hapelie, which is the end of all Government, but the surest meen for the suport of it, and I am sure this wee now injoy is the best ever wee knew or redd off, and wold have been the most universallie satisfactorie, hade it not been for the sever usag those ministers, [who] preacht under Episcopasie, mett with, and the methods which are still folowed to draw them into such snaires as may make them still obnoxious to the Government, which I am of opinion that if those methods hade been used by there brethren, which they might justlie have expected from a Gospill ministrie, there might have been a verie hapie reconsilment amongst all [who] were good of oure Churchmen, which wold have tended extremlie both to a religious and civil good, for there is so much coruption even in the best of men that even there religion is not able to mak them plaised with those they think injurs them in there particular and wordlie consern." The writer asserts "without vanetie" that he bears no grudge to the Government for some "harde measor" dealt to himself, but he is not yet "so mortified" as to be pleased at those who occasioned it. He expresses his regard for the King and desire of service, &c.

122. Letter from Colonel John Hill, Fort William, to Lord Murray, dated 14th July 1694, relating to recruiting and other provisions affecting Lord Murray's regiment. In a P.S. Colonel Hill adds that, if he could get the justice Courts to sit at Fort William, in which he had hitherto failed, he would be as good as his word in punishing thieves. He hopes "to break the neck of theft."

123. Letter, unsigned, apparently from a lady, probably to Lord Murray, dated at Hackney, 6 March 1694–5. Giving an account of how the young master of Murray, in her charge, saw the lying in state and the funeral procession of Queen Mary. "There appeared much gravity in the mourners, and among them all we observed my Lady Darby weeping."

124. Letter, Lord George Hamilton (fifth son of William, third Duke of Hamilton) to Lord Murray, from the camp before Namur, 29th July 1695. Refers to the death of the Major of his regiment (the Royal Scots) and to a narrow escape of his own elder brother, Lord Selkirk, "the other day being nigh our battries, where the king was a little behinde, lying upon his belly as we were all, a canon bullet graised just before him, it being a hard roky ground, broak the stones before him, and with on hit his hat so much that you may shut thurow your hole hand, and cut him in the forehead, which knoked him doun att first, but immediatly [he] came to himselfe. He keeps his chamber, but I hope will be very well in a few days. Since we took all ther intrinchments we have made sevrall battries very nigh to the walls of the toun which we now beat en brech. Our trenches are so nigh to the counterscarp that, I beleeve, in two days att furdest, we shall attack it. Yesterday, a little fort of thers, wher ther was a

captn and sixty men, surrendered after we had applyed the myners to blow them up, for our canon could not doe it much hurt. By all appearance they intend to maike a very good defence, for they ar making a great retrenchment well pallisadoed in the toun, behinde the place we are making our breach, and then, wher the Sambre divids the toun, they are breaking doun ther bridge, and beat doun all the houses of the other side, which it seems they intend to defend. Wher ther is a Marishall of France, and so great a garison, you may be scure all wil be done thats possible, but I hope in God we shall come well thurrow all," &c. "G. HAMILTON."

125. The Same to the Same, from Namur, 5 August 1695. Announcing the capitulation of the town. "We were masters of both counterscarps and had a good breatch; we had made an attake two days before upon the breatch, and another upon the second counterscarp. We made our lodgement upon the counterscarps, but, by our bridge, which gave us comunication to the breatch, being broak, wer forced to reteurn. It was a very great action for above 3 hours. The first counterscarp was karied five or six days before the second, wher a great fire lasted for above 4 hours; we lost abundance of men att both attaks. The capitulation is, they restore us the first toun, with all the forts on this side, which we had not attaked; the second toun they keep, and [the] castle. But the second toun is but very small; it's divided by the Sambre. I dont know if the capitulation be not so as that we cant attak the Castle by the toun on this side. We have truce till tomorrow at 12 a'cloak, and then I supose we will begin hotly with the Castle, which is the strongest place any man can imagine. . . . they have got thir two days time to karie all to the Castle, they send all their sik and wounded to Dinant . . . Just now orders are come to be in a readiness to march tomorrow morning. I am told ther will be nigh 30 battallions that will march. I supose we are to joine my Lord Athlone, who lys by Fleuri." He has kept his health well, but would be glad if this campaign were ended. His brother Selkirk had gone to Liege, &c.

126. Letter, "J. Steuart" to [address wanting], giving an account of Lady Dundee's death.

Utricht October 17, 1695.

Sir, I am heartily sorry that I am oblidged to give you the account of so bad newes; but, knouing your care and concerne for the familie, I could nott omitt to accquainte you therof by the very first. On Tusday night being the 15 of this instant Kilseith, with my Lady Dundee and familie, arived here in perfect good health, about six of the cloacke, and went to lodge att the Casle of Antwerp, till they should be better accommodated. They dined both at the publick table yesterday where my lady was extraordi[n]ary good company. Five or sex more of our country men dyned likewise with them. They went above stiears to the Chamber about two a cloack, for my lady was to receave some visits from some of our country men. I parted with my lady about the quarter of ane hour after two, to goe to my chambre, to lay by the books which I had att my colledges in the forenoon; and, before I gott the lenth of my chambre, there came on runing to me with the sad news that the chamber wherin they where had fallen vpon them, and that it was thought that they were all killed: and, affter I came there, I found, to my sad regraite, it was so. Kilseith was, by great providence, gotten out, but his legs were a litle squised, and all his cloaths torn. Mr. WalkenShaw of Barrowfield, who had been paying my lady his

respects, was gotten out about three quarters of ane hour thereafter. He was sore bruised, but nothing of him broke he will certainly be well enouth within two or three dayes. But the poor Lady Dundee, with her sone, and chamber maid, were kiled with the fall. It wes ane houre thereafter before the ladyes body could be gott out, but it could easily be knowne, by seeing her corps, that she had been killed with the fall of the jists. The house itself is nott fallen, only the people to whom the house belonged had bin, all that day, carreing up theer trufs to the chamber immediately above thers, and, after they had carried up the last sackfull of 300 (*sic*) tuns, the weight of that great quantity of turff broke doune the loft aboue them. The thing was so suden that, if the chamber had bein full, there could have bein no more saved. The thing that saved Barrowfield was a table which he stood by; and the thing saved Kilseith was that the weight lighted on his back, and threw him close to the dore; where he was almost kiled whene they were breaking up the dore, for he had neither place to go back nor forward. Kilseith is the most aflickted man that ever was; and no wonder, after [the deaths] of so fine a lady, child and good servant, so sudinly, and by such a maner. We have writing for Mr. Gray, and the Lord Conservator, who will certainly be heir this night, for thier letters were despatched yesterdainight. So you may be assured that all the service I can doe Kilseith shall nott be wanting; he is so very ill that wee dare not leave him alone night nor day. I will nott trouble you no more att this time, but continues, Sir, Your most oblieged and most obedient servant

J. (?) Steuart.

127. Letter from "Alex^r^ M^c^Donell," brother of Glencoe, dated Perth, 6th January 1696, to Mr. John Murray, brother to Ochtertyre, begging him to acquaint Lord Murray that the writer's brother [Macdonell of], Glencoe, and his friends, wished him to intercede with the King for reparation to be made to them, as promised by Parliament.

128. Letter to Lord Murray, then Secretary of State for Scotland, dated Edinburgh, 18 February 1696, expressing a hope that Lord Murray will exert himself for the reforming of the Highlands, "on of the greatest works that can be done in this kingdome, and, ther is noething that can tend more for the doing of it, then the setting upe of scooles for incourageing of learneing, which will give the people more knowledge, and soe be ane meane to reforme them, and the only way to make this effectuall is, to gett fonds for maintaineing of their scooles, which may be gott of the Bishops rents, as the synod of Argyle hath allredy gott the revenues of the Bishopricks of Argyle and the Isles, for maintaineing the scolls of that shyre." He presumes to remind Lord Murray of this.

129. Letter to Lord Murray, signed "Geo. Ridpath," dated 27th February 1696. That he had not yet found the lodgings of the Bishop of Glasgow and Dr. Monro. "He (the Dr.) is certainly a very dangerous man and formerly concernd in a designe of assassinating or seising the King, upon the intended invasion from La Hogue . . . so that if he could now be seisd with his papers it might be very good service. . . . Theres one Simon Wild, an outed clergyman, the Dr.'s great confident, and, if he could be taken, might be made a very useful tool, but I know not where he lodges. . . I found that Lees Coffee house in Piccadilly, near the corner of St. James's street, is much frequented by our Scots Jacobite clergy; and that, when a certain person came into the same, accidentally, this week, they stole out of the

house. Theres a room [up] one pair of stairs where they hold their consults, as I am informed." The writer begs to remain unknown as the giver of this information.

130. Letter to Lord Murray, unsigned, but apparently from Lord Justice Clerk Cockburn. Edinburgh, 29th February 1696. On receiving Lord Murray's letter of 24th, the writer, with the Chancellor, and Sir Thomas Livingstone, resolved to make some arrests, ere the news became public. The ferries were therefore secured and orders given to the troops. Sir William Sharp was arrested, and an officer was sent to secure Lord Home. Orders were also given for apprehending Sir William Bruce and others. A council had been summoned, and had the King's letter; they recommended to the Treasury that the castles and garrisons should be furnished with necessary provisions for a month at least, and supplies also made to the troops, with other warlike preparations. Lord Strathmore was committed to the custody of Edinburgh Castle.

131. A short letter from Lord Strathmore of same date, begging Lord Murray's influence for his liberation. He concludes: "I am extreamly surprised to hear of that designed assassination of the king, and ther's non can abhor it more then . . ." "STRATHMORE."

132. Letter from James [Ramsay], Bishop of Ross, to Lord Murray, excusing himself for not waiting on his Lordship. "The truth is I am soe infirm that I was not able to goe up three steps of a stair; so I hope your Lordship will forgive me, as also to allow me to tell your lordship that age and poverty have trysted togither with me. I never had any great designe upon the world; soe long as my wife lived she made some shift, now I have nothing but what a daughter supplyes, who will not have five hundered merks yearly to maintain me, and three or four children, beside herself and servants." He refers to Secretary Johnston's kindness, and adds: "I expect good things of your lordship, and, though I can promise no other returne, yet you shall be sure of the fervent prayers of, [etc] J. Rossen." Canongate 14 April 1696. [The Bishop died in October 1696.]

133. Letter from "Da. Moncrieff, dated 5 May 1696, and Adam Cockburn, Justice Clerk, dated 9 May 1696, both referring to the release of the political prisoners, no orders regarding them having come from London.

134. Letter to Lord Murray from James Stewart of Ardvorlich, dated Edinburgh, 14 July 1696, recommending the raising of independent companies to preserve order in the Highlands, which he represents as in a very unsettled condition, much thieving and lawless depredation being practised which could not be checked by the ordinary legal means.

135. Packet of letters from the Rev. William Carstares, between May 1696 and October 1697. The following are the more historical passages in the letters. (1.) Breda, 22 May 1696. Excusing delay in replying to Lord Murray by the king's absence at Loo, and an intended meeting with the States Deputies. (2.) Ghent, 28 May 1696. . . . "There is as much discourse of peace here as can be where your lordship is, but I can[not] yet learn what foundation it hath; the king revieus his armie about this place this day, and tomorrow the other part of it that is encamped betwixt this and Bruges. What he will

doe afterwards is uncertain, but it is thought he will goe for Brabant to the armie that is there." The writer suggests that matters should now be arranged for the ensuing Scottish Parliament. (3.) Wavre, 18 June 1696. After some praise of Earl Portland, and reference to Lord Murray's instructions . . . "It is not certain whether the king will march towards Dinant or not. We have a strong army here, and it is said will be joined by the Landtgrave of Hesse with a strong body of Germans. The desertion in the French armie is great." He refers to the promotion of several Scots officers. (4.) Camp at Corbais, 15 June 1696. Intimating the King's wish that Lord Murray should represent him in Parliament, and wishing him success. There is no news—a small party of the enemy found skulking near the camp were attacked, and all cut off. The king is willing that Sir William Bruce and the others, arrested in Scotland, [cf. Nos. 130, 131 *supra*] should continue at liberty on bail. (5.) Camp at Gemblours, 29 June 1696. . . . "The French armie in Germany repassed the Rhine upon the first motion that the Prince of Baden made with his, and it is thought he will passe the Rhine too, haveing left the guarding of the lines to the militia of the country. The Landtgrave of Hesse is with his troops near Liege; his generall the Count Van-der-Lipp was with the king yesterday, and is I suppose returned this day. The Duke of Savoy is now in no fear for Turin. We are still in the dark as to the kings design. We have no Scots regiments here, but Colonel Robert McKays and Fergusons." (6.) Camp at Gemblours, 2 July 1696. The discourse of peace is now more warm. The King of France had sent proposals to the Hague to the allies, and a final answer had been sent by the confederates to France, a positive reply being expected on 8th July. It is said the allies insist upon the treaty of Munster. (7.) Gemblours, 6 July 1696. They are still in the dark as to the issue of the discourse about peace, and uncertain as to what the King will undertake this campaign. For two days there has been "much talk of a cessation betwixt the king of France and the Duke of Savoy and that the French armie is retired nearer Pigneroll, and that very advantagious conditions are offered to that Duke if he will make a seperat peace, as that Pigneroll shall be given as a present to him, and two millions of Livers paid down presentlie, and a million after the peace, the Duke of Burgundie married to his daughter, all that is taken from him restored, and, if he please, the French king to enter into an alliance with him, offensive and defensive for 25 years; but what truth is in all these things I cannot tell: that Duke hath been hitherto firm to the confederats, though his Dutchesse, his mistresse and severalls of his Court are, as I hear, inclined to the French, and many think he will be firm to the Allies still." The King wishes Earl Melville to be President of the Council. (8.) Gemblours, 13 July 1696. The prospects of a peace are uncertain. "It is affirmed still that the Duke of Savoy hath concluded a treatie with the French, but that it is not yet signed. The Landtgrave of Hesse came hither yesterday, and is returned this day to his camp which is still near Liege. A French partie was this day beat by some of our men, and about 30 or 40 made prisoners. It is said we shall march from this to a place called Gennap tomorrow, or upon Wednesday. It is talkt that great preparations are made at Ghent for a siege, but, whether or not, any such thing is designed, I know not. The Earl of Roxbrough is at the point of death, at Brussels, being, as I hear, given over by his Physitians." (9.) Attre, near Aeth, 20 July 1696. Since his writing they had marched from Nivelle to Soignies, and thence to Attre. He refers to the title to be conferred on

Lord Murray. "I hear just now that Marischall Boufflers hath repassed the Samber upon Saturday last, at la Boussiere, and is come with about 15,000 men to Queveren, within two leagues of Mons. He hath also sent one of his Generalls, called Ximenes, with about 14,000 to join Villeroy; Count Guiscard is lying about Dinant, with 5 or 6,000 men; Count Tallard is with 10,000 at Pont Esperies. It seems the enemie is affraid that we attempt something in Flanders; . . . It is reported that the Emperour is resolved to continue the warr upon this side of Italie, and it is hoped that the king of Spain will doe the like, for the Governour of Millain is very much for it, and, if it be so, the Duke of Savoy will be in an ill taking if he sign the treatie with the French," &c. (10.) Attre, July 23, 1696. . . . "The peace betwixt France and Savoy is lookt upon by many as fullie concluded. It is thought we shall stay in this camp some time; some of our men did, a day or two agoe, meet with two parties of the enemie, defeated them, killed some, and, as I hear, brought in above 70 prisoners. Boufflers is at prisent, as is reported, at St. Amand." (11.) Objecting to the title of Marquis proposed by Lord Murray, dated at Attre, 27 July 1696. (12.) Attre, 30 July 1696. As to allowance for Murray as Commissioner to the Scottish Parliament. The King had only granted the title of Earl. The war-news is slight and indefinite. (13.) Camp at Corbais, July (*sic*, should be June) 25, 1696. The King's designs not known. "Prince Vaudemont detached Monsr. Overkirk with 8,000 horse to surprise severall squadrons of the enemie that were at a distance from their armie but he came too late: but his march hath so alaramed the French that both Villeroy and Boufflers have sent strong detachments from their armie towards Mons, fearing we may have a design upon that place, though I cannot see that there is any." (14.) As to instructions and regulations for Lord Murray, now Earl of Tullibardine, in which the King trusts to his prudence. The King requires that the session of Parliament should be short. Loo, September 4, 1696. There are also letters of date 15 July 1697, from Camp, near Brussels; 5 August 1697, and 4 October 1697, from Loo, but they contain nothing of importance.

136. Packet of letters from Mr. Robert Pringle, Under Secretary of State, also between May 1696 and September 1697. Many of these are similar in their contents to those of Mr. Carstairs, and need not be referred to, but a few additional items may be noted. (1.) On September 13, 1696, Mr. Pringle writes, *inter alia*, "Yesterday we had account here of the Queen of Spain's death, not without suspicion of poison. . . . This morning there came letters here which gives account of an engagement that has been betwixt the Imperialists and the Turks, in which the first were the attaquers . . the advantage does not appear to have been great on either side. Prince Vaudemont has passed the Canal betwixt Ghent and Bruges, and is encamped not farr from Villeroy, who had drawn near Bruges, its thought with a design to bombard it, and its beleived if Villeroy doe not retire, that there may be some action on that side." (2.) Writing from the Hague, 30 April 1697, Mr. Pringle says: "Yesterday, in the afternoon, was the first meeting of the Plenipotentiaries at Reswick; the place of treatie. It was without all solemnitie and formalitie, the several Plenipotentiaries having gone there as it were by chance. I doe not hear of anie thing that passed save the shewing to the Mediateur, and exchanging the several credentials, and declaring by a publick act that the assuming of titles by anie of the Plenipotentiaries in there credentials should not be drawn in consequence, nor prejudge the pretensions of others to the

same. I hear there is another conference to be the morrow. Its talked here amongst our countreymen that those commissionated by our African Companie to manage there affairs in Hamburgh are comming here to address the King for redress. It seems to be a verie nice point for the King to concern himself publicklie in, and therefore I hope they will be prudent and cautious in there resolutions." (3.) Cocklebergh, 28 June 1697. . . . "The armie continues still in this camp employed whollie in making of fortifications for the securitie of Brussells after the armie is gone, and which it is beleived will be sufficient at anie time with 20 or 30 battalions to defend it from bombarding." It is reported that, after the work is finished, the King will besiege Dinant, but the writer thinks this not probable. (4.) Cocklebergh, 15 July 1697, sending the King's reply to the African Company's address. (5.) Loo, 5th August 1697. . . . . "Its said the King goes from this for the Hague on Monday, to meet the Czarr of Moscovie [Peter the Great] who is to be at Nimeguen the morrow night." (6.) Loo, 23 August 1697. Expressing his pleasure that the King's answer to the African Company has satisfied them. (7.) Loo, 13 September 1697. Announcing the "good and acceptable news of peace . . . the treatie [of Ryswick] was signed late on Frydays night, by the Spaniards first, and then the Dutch, and, about an hour after, by the English, who were immediatlie embraced, and caressed by the French Plenipotentiaries, with many compliments and assurances of there master's respect and honour for the King, and of his desire to be in friendship and alliance with him. . . . Yesterday we had here account of an entire victorie obtained by the Imperialists, under the command of Prince Eugene of Savoy, over the Turks, of whom 12000 are killed, a considerable number made prisoners, 72 pieces of canon taken, and about 4000 wagons. The further particulars its like your lordship will have in the Gazetts."

137. Letter from Margaret Balfour, wife of Lord Rollo, to Lady Tullibardine, begging her to plead with Lord Tullibardine to prevent a pardon being given to Graham of Inchbrakie, who had killed the writer's son, the Master of Rollo. Lady Rollo describes the murderers as hating her son to the death only because he was faithful and bold for King William while they were Jacobites. Dated at Canongate, 20 March 1697.

138. Letter from Colonel John Hill to Lord Tullibardine, from Fort William, 2 July 1697. As to the state of the Highlands and measures taken to suppress disorder. He hears that some intend to create some trouble to Lady Lovat, but trusts this will be prevented. He adds: "I could wish some decision were made of the difference betwixt M^{c}intoshe and Keppach; it would tend greatly to the setlement of the peace of the countrey. There is a discourse of a commission of fire and sword, which can tend to noe advantage, but to destruction, as well as the unsetling the countrey (now in a very peaceable condition) especially considering that (if I get orders) I can give M^{c}intosh the possession with twelve men as well as 1200, and, if it be the growing rents, I can doe that also with ease as they come due, but, for the bygons, the country is not able to pay them, except tyme be given, and to turne them all out of the land where they have lived so many hundred years, and (of late years), soe ill that hardly any will receiue them, they will of necessity turne loose and abuse the country, which will not be easily remedied . . . and I presume to thinke it very reasonable that in private concernes, where the publique may be dammaged, the best

methods should be considered both for doeing justice to the injured partie, and preserving the King's peace, which is the publique interest," &c.

139. Letter from Sir James Steuart, Lord Advocate, to the Earl of Tullibardine. Edinburgh, 21 October 1697. . . . "The storie of Cornelius Con is thus. The man was a preist, and falls in love with Kildeins dauchter, and is accepted. Kildein, Earl Seaforth's uncle, is a papist, and condemnes the intrigue as both base and irreligious. Cornelius quits his religion, and caries away his mistress, and maries her, but is, shortly thereafter, seased and imprisoned, and his keeping with all severity committed to one M^cClellan, by Earl Seaforth, who, as its said, gives M^cClellan 100 lib. sc. yearly for his paines. What hardships Cornelius suffered at first I cannot be particular in, but, after his being removed from island to island, when Lieut. Walkingshaw was last sent by the Councells order, he found he had bein keept in a bare rock in the sea, where no house [was], but that Cornelius had three places of shelter against the weather that by walking and lyeing he had paved to a smoothness, and that M^cClellan, who lives in an island about two miles distant, sent him in provisions once in the sax weakes or once a quarter, but M^cClellan getting notice of the coming of the partie, by a boat that went from the main island before the Lieut. could stay her, had, tuo dayes befor, caried Cornelius auay so that all the Lieut. found was Cornelius sheltering places, and in one of them in the clift of the rock the shoulder bone of a sheep with these words written on it, Doctor Cornelius Con caried auay such a day, and, on the other side, his imploring King Williams justice, with some broken words, the rain having effaced the rest, as if directing to find him out by Stornway. This bone is in the clerk of councels hand. Kildein, tho' blind, fled, but wrot a letter to the Lieut. complaining of the wrong Cornelius had done him, but purging himself of violence or revenge, and plainly eneugh iusinuating that Earl Seaforth was his persequuter. Withall, he said, his daughter had left Cornelius and hated him more than ever she loved him. This is the sume of what was informed," &c.

140. Letter from Sir George Mackenzie, Viscount Tarbat, dated Edinburgh, 21 October 1697, to the Earl of Tullibardine, beginning "My Lord, I have left the north for a while, not so much to be nearer the sunne, for that difference is small, but to be nearer better company, for, whilst I was there, I was at expence of 600 lb. scots in wath [? watch] money, and yet I had a spreach caried of within three miles of my house, haveing guarded the more distant places with greater care. It may be easly concluded that the vulgar will blame the Government, when the rash bush will not keep the cow; much more when mony souldiers on pay, and expensive private wat[c]hes to boot, cannot, at least will not, doe it. Since the Governours in Scotland have nether provinces to gaine, nor forreigners to oppos, they have scarce another field of honor, ether for witt or courage, but to preserve the innocent, and lett rogues know that men have the execution of lawes in their hands; else these people can not know whither men or women are in there trust, and if our Councell think persones or places not worthe their care, because of 100 myles distance, its good the king does not trust American colonies to their care." Lord Tarbat adds, that he expatiates on this because he has received news of the seizure of Lord Saltoun, and Lord Mungo Murray, by the Frasers of Beaufort, and also a report that Lady Lovat had been carried off. He draws the conclusion that it is "unjust in the Government to concerne themselfs alwayes so little for the north, and a shame to them to have the kings autority and lawes so oft bafleed by rogues."

MSS. OF THE DUKE OF ATHOLE.

141. Letter from Patrick Murray of Dollary to the Earl of Tullibardine. Edinburgh, 23 October 1697. Referring to the disbanding of various regiments, and giving a long account of the capture of two notorious thieves, named McInuire and Neill Bayne, who were taken by some country people, and hanged by the Marquis of Athole at Blair Castle.

142. From the Same to the Same. Edinburgh, 27 October 1697. . . . "Seaforthe hathe committed great crymes and ryots, wherof I belive your lordship might have some account before. He caused cary a priest, who hade disobleidged him, to ane island, and keept him ther all alone, without fyre or cloathes, these seaven yeares past, only he sent him some meall to keep in his lyfe. This being represented to the counsell, they ordered Seaforthe to be cited, that he might produce the man, and [he] getting notice that he was to be cited, it is said that the man is now murdered." [Cf. No. 139 *supra*.] Seaforth is also charged with causing assault Bayne of Tulloch, a gentleman who had a money claim upon him. The writer proceeds: "If Seaforthe take such a desperat course as the Beauforts have done they may make a considerable tumult in the northe. Beaufort, in on of his letters to Collonell Hill, sayes he cane have 1500 men at his command; and Tullach tells me, who came latly from the northe, that he hade once actually 800. He tells me besyds that he [Fraser of Beaufort] erected two gibbets, the on wherof he said was to hang the lords on, and the other for hanging the gentlemen," &c.

143. Letter from the Earl of Marchmont, Chancellor of Scotland, to the Earl of Tullibardine, dated Edinburgh, 13 November 1697. He refers to the seizure of Lord Saltoun, and Lord Mungo Murray, by the Frasers of Beaufort, and encloses copies of letters from Simon Fraser younger of Beaufort, afterwards well known as Lord Lovat, to Colonel Hill, giving his version of the affair. There is also a reference, in the Chancellor's letter, to the outrage upon Lady Lovat, and to the movements of troops to be sent against the Beauforts. [There are, from this date, a number of letters more or less bearing upon Simon Fraser's treatment of the Dowager Lady Lovat, but these add nothing to what is known upon this subject, and need not be further referred to in this Report. The seizure of Lord Saltoun and his party, however, was an affair of a different character, and it is somewhat amusing to read Simon Fraser's account of it, which gives the aspect so strongly from his own point of view.] His letter is therefore quoted. It is not dated, but the letter enclosing the account to Colonel Hill is dated 8th October 1697. "Right Honoured, The great sense I have of your great honour and ingenuitie, and the particular favours I had from you makes me now presume, tho in a maner ane outlaw, to pay my humble respects to you and give you a breife account of my dangerous sircumstances. But befor I begine, I must say that I served the Government as faithfully, and to as good purpose, as many of my statione in the army, and was alwayes readie to wenter my blood in his Majesties service; and if I had, or will have, my birth-right preserved, I will allwayes furnish eight hundreth men to the Kings service; but my enmies have been so mallisious that they ruined my honour, they destroyed my right and intrest, and reduced my father and me to a most dispeakable conditione. They nether suffered us to follow the law, nor would they ever make any friendly terms with us, but did oppress, persecute [and] distroy our intrest, contrair to the law of God and nations. Yet, notwithstanding of all this, I designed

to goe with a petitione to my master the king where our just rights were made open. But their happned ane unlucky accident that is lyke, if God and good friends doe not prevent it, utterly to extirpet not only my fathers famillie, but the wholl name of Frazer; what they are and were in this, and preciding governments, I belive you sufficiently know. The thing is this; notwithstanding that wee are all convinced that my lord Atholl does designe to mary the pretended heiress to one of his grand-children, yet, to divide our name in factiones, he did give out that he designed to give the heiress to my Lord Fraser of Saltone his sone. This Saltone being a verie worldly man, was verie greedie of the thoughts of it, and my father being informed that he did designe to prosecute the matter, without asking the consent of the name, wrote a letter to him, and fifty gentlemen subscribing it with him, to forbid Saltone to medle in that affair, without the consent of the name, and particularly not to come to this country till he was called, otherwise that he would make a breach that he could not make up. Notwithstanding of this fair advertisement he came and intruded upon us and made it his whole business to callumniate me to my freinds and to tell that I had noe right and that I gave over all my pretensions to him. All the people I spoke to cryed out against me upon this head so that I found not only my intrest but my reputatione at the stake which made me write a lyne to my Lord Saltone to meet me in the head of the country to give answere to all that I had to say to him, in fair and honourable terms. Instead of keeping the appointment he tooke horse imeaditly and sixtine horsemen well armed and mounted and as I came about two myles from Inverness I was surprysed to hear of his coming. I had eight horsemen with me all without pistolls save one and my self, and my father with a small partie of foott had crosed Lochness to meet with Salton. I was so incensed against Salton and his callumnies and slighting to meet with me or my father that I was resolved to die or be fit syds with him. So I was with these eight gentlemen ryding on to the meeting; Saltone appears with his sixtine horse. So I told those was with me I designed to fight him and accordingly wee went on and when they were within pistole shoot wee desired them to stand and fight. So there was none of them that would stir save Salton that cocked one of his pistols, so wee cryed out that they behoved to fight or be taken and accordingly I came and took Saltons pistols from him and all the rest stood stupifyed with their armes befor them. They were so many more in number that wee could not wenter in amongest them to disarme them but stood with our armes presented till wee sent for some foott and then made them all prisoners and keeps them in a house every one seprate from another. I know that this unhappie accident may ruine not only me but the whole name who have unanimuslie joyned with me, but I hope that your clemencie that was allwayes readie to preserve the people that you were among will now be aparent to preserve this poore name and famillie and all the relationss that will wenter with them. My ladie Lovat and I is upon a treatie and has writen to you to send no forces against us because I told her that my pledges were my security and that they would certainly suffer befor me or myne. Upon all my honour this is the true account of the matter and I throw my self at your feett hopeing that you will give me your advice and doe what lyes in your power, which is much, to preserve the lyves of fifteen hundreth that are readie to dye with me who am yours while I live. Sim. Fraser." Another letter from the same writer to Colonel Sir John Hill, of date 8th October 1697, en-

closing the above memoir, and adding "I hope your good and Cristian temper will importune you to save me and the whole name notwithstanding of all that I could gether to a head of men, since my Ladie Lovat is with me under capitulatione and that she has obliged herself upon honour that none will trouble us till our treating be over. I will keep no body of men at all togither but few prety fellows to guard myself and the prisoners. I hope you will pitty him who is in all duety and sincerity," &c.

144. From Adam Cockburn, Lord Justice Clerk, to Lord Tullibardine. Edinburgh, 18 December 1697. That the African Company notwithstanding contrary advice, have voted an address to the Government. "Scots humours seem no less warme in prosecuting this bussines then the Inglish are in opposing it and if the Inglish do persist I know not a more effectual way for that company being brought to some good account. T'was the notice the parliament of Ingland first took of it made the wholl nation throng in to have some share, and I'm of opinion the resentments people are acted by, are the greatest supplys [that] furnishes life to that affaire."

145. Letter to the Earl of Tullibardine from Captain John Slezer, author of "Theatrum Scotiæ," intimating that his book is now nearly finished and ready for printing, and begging for assistance from the Government in his undertaking. Edinburgh, 23 December 1697.

146. Letter from George, Viscount Tarbat. Edinburgh, 1st March 1698. He refers to the military movements against the Frasers of Beaufort. He expresses regret that the Government in Scotland do not, more readily, resent outrages committed in the hills or northern parts, "the mischeevous consequences are so apparent that remote people will scarce dare to call their eares their owne, for they have fruitlesly complained of violences as to their religion, properties, and persones, and, when our lawes are so uneffectuall in their execution, it were more profitable to want the snare of lawes, which invite men to complain, then to have them in hands that dare not or will not aply them. Yet, at the same tyme, a Commission of fyre and sword is given out against Keppach, and the trust and execution lodged in Brigadeer Maitland. I ever thought McIntosh opprest, and to the scandall of the Government, and am glad to see Keppach frighted from the barbarous violence wherein he and his predecessours have insulted law and justice these 200 years. But prudence should be the concomitant both of justice and power. I have herewith sent your lordship a letter directed by Keppach to me, which came to my hand the day after the Commission of fyre and sword was voted. I was ill, and abed, so I sent it in by the Earl of Leven to Councell, who presented it. By it he offers to put McIntosh into peaceable possession of all the land, and to find surty not to disturb the peace nor his possession. Now this is all thats possible to be had of him or his, for, albeit McIntosh have just decreets for the bygone rents, yett nothing can be had of the foxe but the skin; and could a fox live after he wer stript of the skinn, he would be no wise hunter, who wold persue a skinless fox till he bitt him. It's certaine that all the violence in the world can get no more of him [Keppoch] but the land and his lyfe, and if he give the first frankly, the next is not worth persuing, and, to be sure, he will sell it dear. Bot that which weighs most with me is that its ill circumstantiat when the Frasers are outlawes; and, albeit Keppach hath a wrong cause, yett it was handed down to him, and he hath alwayes shewd dessyre to agree, but now he shews desyre to obey. . . . My lord allow me

now when Scots matters are, as is said, concluded at present, to mind my particular of Royston, as I gave it in writting to yow. I am not to urge your moveing, if ether it look inconvenient or very difficult, but if it can be with ease, I am still of opinion that it is convenient for the king. But if that be not practicable, then if this can be throughed it will be a favour, viz., that the King may buy Inchketh from me, for, on ane ingeniers telling King Charles that it was the most proper place in Scotland for ane useful fort to the King of Brittaine, I did purchase it, and I shall be lucky if my desygn be made effectuall by your lordship. It was by it that the French keept Leeth 2 years both from Queen Elizabeth, and the Scots lords, after they had lost all Scotland, but these two places only. The bargan I propose for it is to have the value of its rent which sometymes was 400 merks, sometymes 300, somtymes 200, sometymes none; my predecessor, Scots Tarbat, gave 10000 merkes for it, I gave about 5000. But the fort is as good as intire, regular, exact and all of eslar, and unbatterable almost for strength and thickness. I will exspect a half, or at least a third, of what the building of it now would cost, and the payment I would have is the rent I pay out of a mill in Rosse about 50 lib. ster. per ann. If it be done it most be by ane instruction, not recomending, but ordering, to purchase it, at the value of rent and half of what masons may apprise the standing and sufficient stone work."

147. Copy letter from Lord Basil Hamilton to the Earl of Tullibardine. London, 4 January 1700, with some account of disaster at New Caledonia. His reception at Court had not been favourable, but a good inclination had been springing up to their company "by many and considerable people, and I was not unhopefull, but that, out of all our misfortunes, some good might have sprung, when, on a suddain, wee were stunned with a most melancholy account, and unfortunate, of Jamison's ship, and most of our men in these ships. It is not to be expressed the melancholy condition I'm in; I'm touched to the very soull and ashamed to be seen. We shall appear to be despicable to the world; it seems God Almighty sees it not time yett to deliver us from our misery, but to tryst us with affliction on the back of affliction. The melancholy story in short is thus. Captain Forbes who went with Jamisone is come here from Jamaica, an . . . sayes they landed att Caledonia the 20th of August, were wonderfully healthy in their passage, lost butt on man by the way, the few that were sick recovered all when they came there, tho it was the very worst of the season, the rains easy to live in, nothing such as we have account of, gives a good account of the strength, the fortifications not demolished, butt the hutts burnt. They had noe account of the misfortune of the Collogne till they came there, were resolved to have taken all their provisions ashoar, and stayed till the Rising Sun should have arrived, and to that effect had begun to build their hutts, taken some of their cannon ashoar, and severall of their men ashoar vpon the works, when the melancholy dissaster happened. Drawing of a little brandy in an open vessell to send to the men that were at worke, on of the fellows drops the candle amongst the brandy and setts all afire. Jamison and severall of the land officers were ashoar and came to her in boatts in all haste butt noe saveing of her—all was distroyed." The writer is anxious that Lord Tullibardine should come up, and others. He had endeavoured to give a fairer view of the company's affairs to several great people, these affairs being much misrepresented. He expresses a wonder "if our Kirk, who has, at this time, sadly abandoned the interest of our country, will think itt fitt now that they and the nation humble themselves for these sad indications of Gods

wrath against us; there carriage at this time has mett me oft been cast in my teeth." Lord Basil mentions that the crew of Jamison's ship reached Jamaica in another vessel, where the men were compelled to take service with the people, as they failed to obtain it under Government, and, "getting good wages, and a plentyfuller dyett, and drinking too much, fell most of them sick and dyed above 150 of them."

148. Letter to Lord Tullibardine from Andrew Bell, apparently a printer or publisher in London.

My Lord, I presume to beg the favour of your Lordship if Mrs. Anderson, the King's Printer, moved to have an Act in her favour for printing all Mr. Flavells works, and withall to have these from England prohibited, the right of which I have lately purchased, and am actually printing, which right cost me a vast deall of money. I hope your lordship will use all your interest to oppose it. At least . . . [torn] it waved for this Sessioun, the effecting of which will be of mighty advantage unto me. I should not have been so forward to move in this bussinesse but I have actually so many subscribers in Scotland according to my proposalls, and, if there be a prohibition allowed of, the countrey would lose more by those subscriptions than it could be benefited otherwise. From the above considerations I hope your lordship will use your endeavour in the Parliament, especially with some members, I having alwayes been forward to serve my country, and suffered for it verry much of late. Humbly begging pardon for this trouble, I am, Your lordships most humble and obedient servant

ANDREW BELL.

London Novr. 26th 1700.

149. Letter from Sarah, Duchess of Marlborough to [address wanting, probably to] the Earl of Tullibardine. "St. James's the 17th of March 1702[–3]. If I were not intirely satisfyed of your Lordships goodnesse, and that you are not ignorant of the perpetuall hurry of my life, I should have very little hopes of pardon for acknowledging noe sooner the fauours I receiued soe long since; but as you have been wittnesse of the last I will not take up your time in apologys but asure you that I will never faill in any thing that can bee of the least servise to you, nor did I omitt telling the queen what was proper of your leters, and as to the titles she said she would certainly doe it but it was agreed that it was not yet the time. I am very sorry for your Lordship's loss and wish it were possible to live without such misfortunes, which I am sure must touch one extreamly that has your good nature, but this is of a sort that you had reason to expect, which ought to moderate your affliction, but I have been soe unfortunate as to loose an only son, with all the apearance of health and strength, at sixteen year old (I thought), with all the good qualitys that I could pray for. There is but one strock of fortune that can be more severe, and, after naming it, I can say noe more, but that I am, with all the respect imaginable, Your Lordships most faithfull humble servant S. MARLBOROUGH."

150. Letters from Lord Godolphin to the second Marquis of Athole (formerly Lord Tullibardine) during the year 1703. (1.) The first, of date at Windsor, 5 June 1703, conveys, generally, the Queen's satisfaction with the conduct of the Marquis. (2.) June 19, 1703. Several of the Queen's servants, besides Athole, "are uneasy at the last clause in the *Act relating to the claim of Right;* but, since it has passed in Parliament, the inconveniences that may attend it must be submitted to till a more favourable conjuncture offers for remedying them. I

am not able to judge what additions may bee made to your Act for security of the kingdom, but, in generall, I think any body may judge that neither that, nor this kingdome, can bee very secure when they are not under the same succession, and in this both reason and experience seem to agree." (3.) 27 June 1703. Referring to the proposed addition to the titles of the Marquis and explaining the Queen's delay in conferring new titles till the Parliament was over. (4.) 17 July 1703. Her Majesty "thinks the Act for putting peace and warr out of the power of the successor may at this time bee of the greatest inconvenience imaginable, both to England and Scotland, and must inevitably have the consequence of a separation instead of a union between the two nations, and of enforcing Scotland into the arms of France, whose religion and government is incompatible with them, instead of continuing in friendship with their nearer neighbours who are of the same religion with themselves." The Queen therefore desires that this Act be not pressed upon her, and, "if it should bee said the same thing is already done in England . . ., the case is quite different, for that Act relates particularly to the succession of the House of Hannover, established in England, and provides only that, in case any warr should arise in Hannover, or among its neighbours, England shall not thereby bee actually engaged in that warr without the consent of the Parliament." (5.) 24 July 1703. Expressing the Queen's dissatisfaction with some points of Athole's procedure in Parliament, and (6.) 9 August 1703. That the Queen is not pleased with the clauses proposed by the Earl of Roxburgh, or the Lord Advocate, "as tending each of them to make a perfect separation, instead of an Union, between her two kingdomes, which, as it is both hers and their interest, so it will always bee her Majestys aime and inclination, and therefore she will never bee willing to consent to any Act that shall establish a succession in Scotland, different from that of England, whilst she has hopes that a comunication of trade, and all reciprocall advantages to both nations, may be attained for their mutuall advantage by a Comission of Union authorised by Act of Parliament in both kingdomes, and those considerations seem to make this session of Parliament a very improper time to make any settlement concerning the succession of Scotland, which might bee much more reasonable after a Union was found to bee impracticable, from which it is, at present, so far, that the most fundamental points of it were adjusted last winter, and the want of time was the greatest obstruction to the perfecting of it."

151. There are several letters, during 1703 and 1704, from the Duchess of Athole, the Duke of Hamilton and others relating to the famous Queensberry and Lovat plot, and to the punishment inflicted on Baillie of Jerviswood, but the letters reveal no new facts in the case, and are of no special importance.

152. Letter to the Duke of Athole from Robert Campbell, better known as "Rob Roy." Glengyle, 20 May 1704. "My Lord, May it please your Grace, in your grace's absence Fownab prest tuo of your men and sent them to Edinburgh for recreits. Their names is John and Duncane M^cEune Voirs late M^cgrigore in Glenlyone. Duncan, liveing at the tyme wnder the Earle of Bradalbine, was brought back. John remains still there. Your grace was pleased to protect these tuo men formerly. Therfor I humblie beg that your grace may be pleased to cause liberat this poor man, who hath left a wyfe, and maney smal children, behind him. If not, Fownab may heirafter dispose of your

graces men as if they were his owne. Beging pardone for this, I am, &c. Ro: CAMPBELL."

153. Copy letter from George Hamilton, Earl of Orkney, &c., giving his account of the battle of Blenheim. "Camp at Hochstet the 14th Augst. 1704. I am hardly able to give you an account of the great victory we gained yesterday, I am so weary. I bless God I have no wounds, tho my horse was shot under me. Wee marched yesterday by break of day to attack the enemy in their camp. The fight continued from morning till dark at night, and ended very happily . . . it is the greatest that has been fought these 50 years, and, if it has cost us dear, the enemie has pay'd well for it. We have the Marishall de Tallard prisoner and a great many more General officers, whose names I doe not yet know. Pray send notice to the Countess du Roy that the Marquis de Blanzaque her sone is my prisoner. We have taken 28 battallions of foot, and 12 squadrons of dragoons, prisoners, and, I doubt not but it will be pleasing to you to know that I was the Generall who commanded the latter end of the day the attack where these 28 battalions and 12 squadrons were taken. I beat them two or three times and forced their retrenchments but was still beat out again, till at last I sett fire to the village, which did incommodat them very much, and then I thought it proper to try if they would capitulat. The conditions I granted them was to receive them prisoners at discretion, and that I would suffer none of them to be plundered, which I took care to prevent. Without vanity I think wee did our pairts yesterday; I brought on the horse where I saw there was occasion, and put things right wherever I perceived any disorder. Lieut.-Generall Ingolsby was with me, and behaved himself very well. Our left wing pushed the enemy first. Prince Eugene pushd them likeways in the beginning, but was beat afterwards, and rally'd again, and repulsed them two or three times. He had his horse shot under him. . . . Lord Cutts had attacked with 20 batallions in the morning the post I took but he could never take it." Referring to the casualties in his force, the Earl adds, "I can not yet be more particular, but my Regiment is now no more a regiment. The enemy were stronger than we; they had 82 batallions of foot, and 150 squadrons [of horse], and we had 66 batallions and 160 squadrons. God would have it so, and we ought all to be for ever thankfull. I was yesterday 20 hours on horseback, and am so hoarse you could not hear me speak. We encampt last night on the ground where the enemys lines were drawen up; we haue their cannon and some baggage," &c. He desires a copy of this to be sent to his brothers Charles and Archibald.

154. Letter from George Lockhart of Carnwath to the Duke of Athole. London, 15 October 1705, giving a sketch of the political situation. . . . "In the first place, her Majesty having now, more than ever before, devoted herself and interest to the Whigs, the Torys have no hopes of being succesfull in allmost anything they'l propose, during this parliament, and will be foiled in the very beginning by Smith's (a Whigish lawer) being elected Speaker." The Tories are highly exasperated, and breathe revenge, and threaten to call over the Prince of Hanover to reside in England, which will, if effected, be a home thrust on her Majesty, her ministry and the Whigs. The latter threaten to repeal the present settlement of the Crown, and to propose another and more acceptable successor. "Who this is, or if both partys be serious, time only most determine." The Churchmen are apprehen-

sive of their danger, and the Earls of Rochester and Nottingham are in correspondence with the Court of Hanover. "From hence wee may observe that they dont so much value in England who shall be King, as whos King he shall be." The writer comments on the attitude of the Whigs and Tories respectively to the Act of Security, and to the Alien Act, which last, he thinks, will be repealed. He then proceeds, "T'were too much of partiality not to owne that Scotlands just now very poor, and divided into partys and factions, but . . . England, in generall, and ev'n London (wher if ther be mony it will be found) is proportionably as much straitned as we are, and blessed be God, their divisions, animositys and double-dealings are such that one woud think the day of judgement were approaching, for here's father, son, wife, husband, brothers and the nearest relatives calling one another villains and rascalls, and ready to cut one anothers throats, and were ther not a certain dog that made the swine eat ther meat, tho' not in exact, yet in some better order, than otherwise they woud, ere many weeks this nation woud be wallowing in blood; and, if it be true that thers a peace on agitation, ther will soon be a reel. . . . For, if the Whigs drive on, and succeed in all their projects they've designed, the Church has no way to save themselves, but by letting the world see they do still disown the practicall part of the doctrine of non-resistance, and 'tis very probable they'l maintain that argument since they'r proposing it evry Sunday, even in her Majesties chapell. To summe up all, the advancement of the Whigs, and ther avowed designes, are att once like to awaken a great many from a dead sleep, and push them to desperate measures, and sure, since the seige of Jerusalem, never was ther such a divided, I may rather say such a sub, sub, subdivided nation in the world, and, tis evident, if wee'l stand our ground, yea be but half honest, wee'l be dreaded and courted by all sides. . . . . I have given your Grace the best account I could of matters as they stand here; this is the view wee have of them, and time must determine what conclusions will follow such premises." The writer meant to write to Lord Stormont, whom he believes will be well pleased, and will join with Athole "in wishing the ancient Kingdome may manadge her cards right in such a nice tho to her advantagious game," &c.

155. Letter, John, Marquis of Tullibardine, to his father, the first Duke of Athole. Camp at Heslein, between Tournay and Courtray, 17 July 1706. Since his joining at Rouslar, the Duke (of Marlborough) had been "civill eneugh," and distinguished him from the other Aide-de-camps. "I went with him to Ostend and was in the trenches the night before it surendered. Ther was very hot firing: the bombs from our battris set fier to severall places of the toune at once. The 1st march we made after coming from Rouslar was to Arlebeck, where we encamped some days. Wee have been here a wecke, its talked wee goe from this either to beseige Tournay or Menneim. Two days agoe my Lord Duke went out to meet the Prince-Royall of Prussia [afterwards Frederick-William I. and father of Frederick the Great]: he is a course like youth delights in troups; I know no more of him. They say he is to stay a month with us; his troups nor the Hanoverians are not joyned yet, but will in a few days, as will Mr. Ouverkirk's army that was at Ostend. The French are getting another army which will be stronger then ours. The Duke of Vandome is in such high esteem that they concive great hopes upon his joining, which will be soone. This is a very fine countrie, abounding in excellent fruits of all sorts, and graine. All is spoilt where the armey comes; the trees broke in pulling the fruit, and cornes cut or trode downe which are

just ripe. Evry camp spoils severall thousand pounds worth besids what is usefull to men and horse. The boors are so used to it that they looke upon it without much regraite, and are not in an ill condition. This makes me thinke one year of peace would doe more than set them up," &c. [The writer of this was killed in 1709.]

156. Letter from Lord William Murray [known afterwards as Marquis of Tullibardine, and a prominent Jacobite] to his father, the first duke of Athole, dated at Spithead 29 August 1708. The letter contains nothing important—a slight sketch of an unsuccessful attempt at landing on the coast of France, in which his ship took part. The letter is in a round school-boy hand. Signed "W. MURRAY."

157. Letter, Mr. John Martin, Schoolmaster, Perth, to the first Duke of Athole, as to the education of his son, Lord George Murray. 6 July 1709. "May it please your Grace. Lord George [Murray] being at present in good health, and profiting at his booke, I shall not fail to take care of him in all things that concern his health, learning and morals, so far as lys within the compass of my power, looking upon it as my greatest honour to bear the quality of . . . your Graces most humble servant. JO. MARTIN."

158. Lord George Murray to his father, the first Duke of Athole. Not dated [c. 1709]. "May it please your Grace, I receved your Grace's letter and ame very willing to be as good a schollar as lys in my powr, because it is your Graces will, which I ame bound to obey, and also thinks it my grate hapines to doe. The class wherein I ame have got a new book, viz. Horas, which your Grace will be pleased to send down if in the Liberarry, otherwise it most be bought at Edinburgh. Cornat Murray brought my sword from Edinburgh, but I want a sword belt, which are to be sold in this Town if your Grace will be plesed to alow [it] to be bought. The mony which I receved from your Grace is almost done; which I shall send an accompt off, per nixt, and how it was spent. The coppy of your Graces letter shall be sent, per nixt, and your Grace will be plesed to excuse me for not sending it at this occasion becaus I will lose my leson. I am &c. &c. GEORGE MURRAY."

159. The Same to the Same. Perth, 16 March 1710. "May it please your Grace, When I was in the school this forenoon, there was a Grandsone of Ledy Rollos who was whipt, and I, by the privaledge I received at Candlemis, went to protect him but the schoolmaster would not allow me; and, when I asked him why I might not doe it, as well as formour kings, he answered that it was he that gave the privaledg, and he could take it away again, and I told him that it would be an afront. He answered that he would not alow me to doe it, and ordered me to sit down, that it was non of my busines. After he had done me the afront, I resined al the privaledges I had. I cane assure your Grace I gave much pains to my book, especially sins I saw your Grace last, which the schoolmaster can't say against, but now I may say that it is impossible for me to give pains after such an afront. I would [have] gon out of the school if I had no[t] thought that it would offend your Grace; and hops your Grace will not alow me to be so affronted, and let me stay no longer at school, or els I will be moced by evry one. I am &c. GEORGE MURRAY."

160. The Same to one of his uncles [address wanting]. Dunkirk, 6th January 1713. "My Lord, Sir James Ebercromby has lett me see a

letter from your lordship concerning me, to have an acount of my expences, which, I belive, he will send this post; wherein your Lordship will perhaps thinck I have been too extravigant; but, if your lordship will be pleased to thinck what I have hade to dow with it, you'l find it extremely resonable. For I have bought with it this siut of murning (the ocasion of which I am verry sorry for), a bege coat, with tow wigs, a hat, shus and stocens sevral pairs, above twelv pistols for drugs and doctors, and have more to pay stil for them. I also paid for my dyet from the time I came to Gent [? Ghent] to the first of October last, and a great many other things. I keep my helth very ill, and have relapsed several times in to my faver, but I lov this pleace very well if I could keep my halth I hop your lordship will excus this ill writ. I am . . your . . diutiefull nevoy GEORGE MURRAY."

161. Letter, "Rob Roy" to the Duke of Athole. Portnellan, 27 January 1713. "May it please your Grace, I am hopefull your Grace has heard how the Duke of Montrose is offering to ruine me upon the accompt of cautionrie that I engadged to his grace. I have offered to him the whole principle soume with a yeirs annualrent which he possitively refuses the same. The reasone why he did refuse it was, he sent me a protectione, and, in the mean tyme, that I had the protectione, his grace thought it fitt to procure ane order from the Queen's advocate to Funnab [Campbell of Finab] to secure me, and had a partie of men to put this order in executione against me. This was a most ridiculous way to any noble man to treat any man after this manner. Funnab is still promeseing to put this order in executione, but, if I can, his Grace and he both will not doe it. God knowes but their is vast differs betueen dukes. Blessed be God for it that its not the Athole-men that is after me, altho it were if your Grace would send to me the least foot boy, I would come without any protectione. Your Grace was alwayes charitable and kynd to me beyond my deserveings; if your Grace would speake to the advocate to countermand his order since its contrary to law, it would ease me very much of my troubles. And I beg pardon for this trouble, and for the superscriptione hereof, & I am your Graces servant while I am alive, ROB: ROY."

162. Letter from Mr. John Douglas, apparently a writer in Edinburgh, to the Duke of Athole. Edinburgh, 21 May 1714 . . . "I must inform your Grace of a new insult that they [the clergy] have mett with att Aberlower. The Laird of Braico, Duff, being patron of parioch, presented one Mr. Lindsay, wherewith the Presbitry were very well satisfied, and proceeds to his ordination, but one Mr. Hay, an Episcopall minister, (who was some time agoe bainished by the Lords of Justiciary) haveing intruded therein, and leaving a deputt for him to preach in that church, he himselfe haveing gone to an other parioch, when the Presbitry came there, and people, to ordain Mr. Lindsay, [they] were mett with a prodigious mobb headed by a known Papist, beat them, fired some small shott upon them, where severals were wounded, that, in shortt, they were forced to fly for their lives, and security of their persons, and if these things be nott taken nottice off by the Government there will be no living. My Lord, I must caus your Grace laugh after this melancholy storrie, att an rancounter which happned this day on our streets betwixt the Earl of Rothess, and our street haikney caddies [porters]. Your Grace will pleas remember that Rothes, Hadintoun and rest of the Squadrone gott hattes traced with whyt silver galoun, quhich they termed Hannoverian hatts, so severall other zelottee gentlemen followed the like example, and some

putt on an H. in the cock. So this day all our street cadies were vamped up in the like ordor; whereupon Rothes attaks one of the boyes, asks him how he came to moke the nobility and gentry, to quhich the cadie replyed that he might wear a Hannoverian hatt als well as his lordship. Whereupon Rothes runn after him upon the street, and, in the heat of the action, a stone overtook the caddie's foot, that he fell, Rothes went heels ore head over him, his weeg and Hanoverian hatt went to the durtt. They both fell in a perfitt puddle, where he was besmattered ore head and ears. However, he apprehended the caddie, beat him, with his own hand most unmercifully, carried him befor the magistrates, and all the rest of the noble crew, where the offendant was incarcerat in the guard (a noble attchievement for a peer of our land) to make our common caddies first sufferers for the Hanoverian family. Immediately after doun comes Sir T. Dalziell, maddly drunk, equippedd in his night goun and cape, with slippers, to the cross and hearing the fray that had happned with Rothes, he runnes after every man that had an Hanoverian hatt, so that for a quarter of an hour you would have seen nothing but the Hannoverian hatts running, and Sir Th. Dalziell in his dress persueuing, about our cross. Att lenth (he) catched hold off one or two of them, putt them above his cape and paced about the cross, and after threw them up upon our cross. (So never better happens by distinguishing characters)," &c.

163. Letter to the Duke of Athole from "James Erskine," Lord Justice Clerk, better known as Lord Grange. Edinburgh, 6 August 1714, referring to the death of Queen Anne, and to the letter written by the Lords of Council to the Elector of Brunswick. Intimating that the new King had been proclaimed in Edinburgh, and that new oaths were to be taken by those in office. Desiring Athole to come to Edinburgh, unless his presence in the country is better for the King's service.

164. Letter, Mr. John Douglas to the Duke of Athole. Edinburgh, 12th August 1714. . . . "we have noe great news . . but Duke Marlebrugh makeing so publik an entry, when so good and gracious a mistres lying a corps, as it were insulting her ashes, is very much taken nottice off, espescially when, in all his successfull campaigns, he never would allow of any such parade, and the scurvie mobb that followed him cryed out with Hozas, God blis King John and Queen Sarah, our King and Queen protectors of England, and after went, and thought to have mobbd the Earl of Oxfoord, but were prevented by haveing secured againstt them with closs doors and windows. And we in this place are nothing inferior to them in our disrespect to so good a soveraigne; for the day, or the day after, the proclamation, the Dutchess of Argyll had a splendid baal in her Majesties own house in the Abby, where she herselfe danced a reel with Baillie John Campbell (who is a great pollitician and generall informer of all the Highland motions and conversations) and one Robert Campbell, a scrubb wrytter. It would gall any body to see the insolent haughty carriage of our squade Lords, who meett and caball among themselves as if they were constitute governors by the soveraigne, writtes to the justice for more forces, and does every thing that way, as if absolute governours in this place. I hear Argyll, Montrose and Roxbrugh are begining already to differ amongst themselves," &c.

165. Copy letter, the Duke of Athole to the Provost of Perth. Blair Castle, 27th July 1715. Referring to rumoured preparations by the

Jacobites, and offering to send two or three hundred men, if required, to guard the burgh at the town's charges.

166. Letter from the magistrates of Perth in reply. Perth, 29th July 1715. An obsequious epistle, neither accepting nor refusing his offer. They are to write to the Justice Clerk, and will tell of his Grace's generosity, &c.

167. Copy letter from the Duke of Athole to the Commander of the Forces at Stirling. Blair Athole, 7th September 1715. Sending information of the Earl of Mar's raising his men with their arms, and asking as to the guarding the pass at Stirling and the fords near it. Athole will stop Mar's passage through his country and will guard the fords and boats on Tay, between Dunkeld and Loch Tay. He asks for a small party of dragoons.

168. Copy letter, General Wightman to John, Duke of Athole in reply. Stirling, 8th September 1715. That all care will be taken to hinder Mar's designs. General Whetham is at Edinburgh, but the troops asked will no doubt be sent.

169. Copy letter, General Whetham to the Duke of Athole. 11th September 1715. Intimating the expected arrival of the Duke of Argyll in Scotland.

170. Letter from John, second Duke of Argyll, Commander-in-Chief, to the Duke of Athole.

My Lord Duke,

I have had the honour of your Graces letter, and am very sensible your Grace has omitted nothing that lay in your power to doe for the service of his Majesty.

I am particularly to return your Grace thanks for the sending the detachment of your men to Perth; and, had they been made use of as they ought, and as your Grace designed, by the Magistrats, they had certainly prevented the enemy entering the Place.

I find your Grace was of opinion that the Troops that are encamp'd here should have advanc'd to Perth; but when I have the honour to see your Grace I am confident I shall be able to convince your Grace that there were unsurmountable objections to that march I am loosing no time in preparing everything to put us in a condition to oppose the Rebells, and shall be very soon ready to doe it effectually.

Mr. Fairfull, who will have the honour to deliver your Grace this letter, has made a proposition to me in relation to the men of Monteth, and Strathallen, which must be submitted to your Grace.

I must beg the favour of your Grace to let me have what intelligence you are able to procure of the designs, as well as motions, of the Rebells, and I doe assure your Grace I shall not be wanting, as it is my duty, to represent your services to his Majesty. I have the honour to be, with the greatest respect, Your Graces most obedient and most humble servant Argyll.

Camp at Stirling September the 18, 1715.

A Notta.—The above-mentioned Mr. Fairfoull wrote a letter to his Grace that he could not venture to Blair in Athole, the Rebells being betwixt Stirling and that place. Neither was there any other sent by the Duke of Argyll to the Duke of Atholl, during the whole time of the Rebellion. But the D. of Atholl found means to send upwards of

MSS. OF THE DUKE OF ATHOLE.

20 expresses to the D. of Argyll, to which the D. of Argyll did always return civil answers.

[This note is written on a separate piece of paper, enclosed in the letter.]

171. Copy letter from the Earl of Nottingham to the Duke of Athole. London, 13th September 1715. Acknowledging, on behalf of the King, the repeated assurances the Duke had given of his fidelity. The King "is so far from imputeing to your Grace the criminal indiscretion of your son [the Marquis of Tullebardine], that he would gladly shew his mercy towards him, if he would yet render himself a proper object of it, by his returning from those who are no less enemys of their country then of his Majesty. Your Grace seems to have hopes of prevailing with him to return to his duty, if he could be secure from a prison, and his Majesty gives me leave to assure you of it, provided that he immediately, without the least delay, quitts the party in which he is engag'd, and leaves them and comes to London, which will be the best evidence and security which he can give of his future fidelity to his Majesty, and best and most effectual means of obtaining his pardon. I hope your Grace will lose no time in advertizeing him of it, for, besides what I have allready said to induce him to take this step, I might add, that, if he neglects this opportunity, I am very confident his Majesty, and every body, will very soon have reason to conclude that my Lord Tullibardine's submission will be of necessity, rather then of choice, and, consequently, he will loose the grace of an action which might now recommend him to his Majesty's favour." [A note states that this is an attested copy of part of Lord Nottingham's letter, which was given to Lord James Murray (afterwards second Duke of Athole), and delivered by him to his father.]

172. Copy letter, the Duke of Athole to the Earl of Sutherland. Blair Castle, 9th October 1715. "My Lord, I have been longing extremly to hear that your lordship was in the north, which, till this day, I have had no account of. The Earl of Marr is still att Perth, and master of all the countrys hereabouts benorth Forth, except this house, and my country about it, and he, and Lord Tullibardine, have got a great many of my men to joine them, which it was impracticable to prevent, since there is not on wel affected to our King, on this side of Forth, that could give me any assistance. I am convinced your lordship is perswaded that it will be of the greatest service to his Majesty, and the Protestant interest, that you come with what men you can raise, to Perthshyre, with the utmost expedition, and I shall joyne your lordship with what men I can raise in Athole. If your lordship bring betwixt two and three thousand men with what you can have of the Laird of Grant's, wee will soon recover the north side of Forth, and dissipate the rebells, if they continue so long on this side; but I hear they designe to pass the Forth in a few dayes. I shal add no more, but all depends on the quickness of your march, and I shal continue in this place untill your lordship come, or that I hear from your lordship," &c. A postscript is added desiring the Earl to communicate the letter to Lord Reay, whom the Duke hopes will come also. On March 2 1716, the Duke notes that he never had any answer to this letter "tho I was certainly informed his lordship received it, neither did he ever write or send any message to me, tho' there was no other Lieutennant on the north side of Forth."

173. Letter from the Earl of Sutherland to Ross of Kilravock and others.

Dunrobin 11th of October 1715.

Gentlemen, I receaved last night your letter of the 8th from Colloden, and rejoyce very much to find you are all weel. I wrote a letter to Kilraike by Mr. Thomson from Kindace of the ninth, giving ane account that, being informed of the superiority of the enimys forces, by young Foulis, Newmore, Culcarne and Culkanrie who see them in full march, a retreat was agreed upon as the only proper methode to secure the North, and, by God's blessing we made it without the loss of a bagadge horse. Ther are but two passes in this country for five and twentie miles from the sea. My men are in ane readines from all corners to fall upon them. The Monro's and Rosses are soe to. If you send some men hither, if they attack this place, and march with the rest to joyn the weel affected Frasers, and soe goe about upon them, they will, in a manner, be in a hose nett ; if they retire back I shall indeavour to be upon them. I leave to yourselves to judge what is most proper. You may easily consider that, if they master this house, all the north is ther own. Ther is no time to be lost, so I shall add no more, but that I am most worthy friend, your most affectionate humble servant

Sutherland.

My lord Reay is going to bring down his posse if quick despatch be made to attack Seaforth, upon his own quarters. Lett the number be what they please, it will contribute to make them leave this country if they were in it. I leave all to your own Judgments; consider the criticailnes of the juncture. Mr. Gordon, the bearer, can tell you many more particulars, though he was not att the retreat, as also concerning ther number, adieu.

174. Letter from Hugh Rose, elder, and Hugh Rose, younger, of Kilravock, Colonel William and Captain George Grant to [address wanting, but probably to] the Duke of Athole. Kilravock, 13 October 1715. "My Lord, severalls of us mett here last night in order to transport our men be sea, and assist the Earle of Sutherland, who hase been some dayes bygone very much distressed by a numerous enemy off McDonells and McKenzies, hade luckely occasione to converse with a gentlman just come from Blair, with your Graces letter to the Earle. He was pleased, at your Graces desyre, to give us the import of it, and we are overjoyed to have, in conjunctione with your Grace, ane oportunity for doing all we cane to serve the Government, and extricate ourselvs, if possible, from the hardships and opressions we are like to meet with, if thes country rebells are allowed to proceed in the course they seem to intend at present. Your Grace will see by the inclosed [the previous letter, No. 173], which came late last night to our hands, how the Earle of Sutherland is circumstanced, and is now lying at sutch a distance that itt will be utterly impossible to transport such a number of men as were necessary to make head against our enemys, who grow stronger dayly, and are apt to represent any attempt we make, it not successfull) in a maner that may discouradge the generality of those who are otherwayes weill affected, and might be of great use, hade they any tollerable power to execute ther good intentione." The remainder of the letter has been partly torn, but the writers state that if the Earl of Sutherland finds it safe and practicable to quit his own country, and join the Duke, they will heartily assist so good a cause with their people, and make as strong a party as possible. Signed, "H. Rose, George Grant, Hugh Rose, Will. Grant."

MSS. OF THE DUKE OF ATHOLE.

175. Letter (copy) from the Duke of Athole in answer to the above. Blair Castle, November 15, 1715. Acknowledging their letter of 13 October which he had received only on 4th November. He had sent on their letters to the Duke of Argyll, and Brigadier Grant, but had not yet received a reply, though he can no longer delay, telling them that Mar had been defeated on the Sheriffmoor: "I have yett no particular account of this action, but by some deserters who came to this country last night, who say that the Earl of Mar's Horse fled at the beginning of the action, and that there left wing were intirely routed and fled, of which there were about 300 Atholl men, with Seaforths men, Strathmores, Strouan Robertson's, and Fascallies and the cannon [which] were with them were taken. There are severals taken prisoners, but the particulars are nott known. They also say that Earle of Marshall and Lord Drummond are kill'd, and the Marquis of Tullibardine made his escape that night to Perth with some few horse. I designe, as soon as I can gett what men I have togither, to march to Perth, and recover that toun from the rebells. I intreat that, as soon as this comes to your hands, you will march with what number of Grants men you think proper towards this place, to joine me in dispersing any of the rebells may gether togither, and, if I be gone further doun the country befor you can come, I shal leave a letter for you what place to come to." He urges this for the King's service, &c. [From a separate memorandum by the Duke of Athole, dated Blair Castle, 30th March 1716, it appears that the bearer of Athole's letter to Sutherland was Grant of Delrachnie. Sutherland gave no answer, and, when questioned on the subject by Captain George Grant, at the Duke of Athole's instance, "would give him no satisfaction about it."

176. A letter of the first Duke of Athole to his son James, afterwards second Duke. Dunkeld, 30 May 1716. *Inter alia*, the Duke refers to his brother, Lord Nairne's remission, and also hopes that his nephew, Lord Nairne's son, may be reprieved. He understands that the King's granting the lives of his son Charles, and his brother Nairn, on his account, is reckoned a great favour. He has acquainted General Cadogan etc. with Fraserdale's circumstances, and the actings of "his vilanous antagonist Simon Fraser." Lord James is not to interest himself in any of the vassals who have proved treacherous.

177. The Same to the Same. Huntingtower, 23 June 1716. "Dear James. I received your letter of the 16th in which you acquaint me you was informed that I was to have only one thousand pound, instead of two, which I sent up in an account of expences and particular loss's for my adherrence to the Government. This is treating my account like a taylior or appothecarys bill, which I did not expect after the services I have done the Government; for it is very wel known that, if I had not keep't possession of the castle of Blair, that the Earle of Mar had cross't the Forth with all his army, at the same time when that part of them did who march't to Preston; and if the wholl rebells had gone into England at that time, it may be easily judged what the consequences might [have] been. But I need not tell you the particulars of my services, since you know them so wel, and, I hope, are frequently represented by you, as I hear they are by my Lord Ross, the Justice Clerk, and General Cadogan, who you wil lett know that I expect at least a thousand pound for plundering my house of Tullibardine by his Majesties forces, and particularly my Library. . . . . I can hardly beleive what is contain'd in the Edin^r^ Corrant that Simon Frasser, who is there called Lord Lovate, to which he has no manner of

right, and that he has gott a independent company. I have also frequently heard that the Duke of Argyle has countinanced that persone which I hope is not true. General Ross is the fittest person to inquire at the Duke of Argyll about this, and to lett his Grace know that I doe not beleive it, since his Grace can not but very wel know, that I made appear befor the Queen in Council at St. James's, and also befor the Scotts Parliament, to which his Grace was Commissioner, the villainous plott Simon Frasser was guilty of to raise a rebellion in the Highlands, and also to take away the life of the late Duke Hamilton, my life and fortouns, and several others. . . . I hope you wil have as litle to do with my Lady Nairne as possible, for there cannot be a wors woman. I impute the ruine of my three sons to her artifices. Give my service to my brother Nairne, and tel him I received his letter. I am very glad to heare the princesse has concerned herself effectually for my nephew."

178. Letter, the Same to the Same. Huntingtower, 19 July 1716. Chiefly desiring to know what were the powers of a Lord Lieutenant of a county in England, as he had been annoyed by the conduct of General Sabine, and other King's officers, in regard to rebel prisoners, and complaining of the plundering and other impositions made by the troops.

179. Letter, the Same to the Same. Huntingtower, 7th February 1717. Announcing the birth of a son, by his second wife. Expressing anxiety about the sum due by Government for compensation, and which had not been paid.

180. Letter, the Same to the Same. Dunkeld, 2 December 1721. Referring *inter alia* to various ecclesiastical and University matters. The last paragraph only may be quoted. "Since the long promised pension is so long delayed, I desire my Lord Aberdeen and you will propose that I may have justice done me in repairing the losses I sustained, by plundering my house and liberary at Tulibardine by the Swiss, under the King's pay, immediatly after I had done his Majestie some services the time of the rebellion. If it be said this woud bring on a claim by others which might be heavy to the Government. But my caise is singular; there is none that has done any service but has been considered by places or pensions soon after the rebellion, and has ever since reaped the profits. Besides, there is not one that has been servisable to the government has had theire house, furniture and liberary, which is an irreparable loss [destroyed] but my self, it being an old liberary of most valuable bookes."

181. Letter (copy) from the first Duke of Athole to General Carpenter. Logierait, 4th June 1717. "Sir, I doubt not but Collonel Brooks acquinted you that I have delivered up all the arms that came in from the country, and were lying at Dunkeld, on Saturnday last to Captain Corsby. Yesterday Robert Campbell, commonly called Rob. Roy, surrendered himself to me, who I sent prisoner to this place where he is keep't in custody. He says he has not lain three nights togither in a house these twelve months. I have write to Court that he is now my prisoner. Severals that have been concerned in the late rebellion, and other disaffected persons in this country, and northern shires, have groun very insolent of late, whither it is in expectation of a general indemnity, or that they have encouradgment from abroad, I know not, tho' there is ground by their behaviour, and some information I have latly, that they are still expecting a descent. I doubt not but the commanding officers in the several towns and garrisons have your

orders to seize upon any rebells, or disaffected persons, att the desire, and upon a written information from the Lord Lieutenant, Deputy Lieutenants, any magistrate or Justice of Peace," &c.

CORRESPONDENCE and PAPERS relative to the REBELLION of the YEARS 1745–6 from MR. CARRINGTON'S INVENTORY of 1830, referred to in the INTRODUCTION to this REPORT.

[Division No. 2.] "Bundle No. 15. Correspondence with Lord George Murray . . . . and Lady George, from 1731 to 1745. N.B. The last of Lord George Murray's letters in this bundle, dated 3 September 1745, contains his reasons for joining the cause of the Pretender."

[Ibid.] "Bundle No. 36. Thirty-five miscellaneous letters for the year 1745. . . The following letters, &c. relative to the Rebellion in Scotland, viz.—

Two letters from Sir John Cope to the Duke of Athole, proposing that his Grace's people should be enlisted to serve in Scotland for 3 months, and proposing to act in concert with the Duke.

Nine letters from Mr. Macintosh, Edinburgh, on the state and proceedings in Edinburgh of the Highland army.

A letter from the Justice-Clerk; one from Earl Home, one from J. Edward of Solsgirth, with copy of a letter from the Marquis of Tullibardine, commander-in-chief of the rebels.

Eight miscellaneous letters.

Journal of the Prince's landing and proceedings 1745.

Two lists of the numbers of the rebel army in Scotland upon 14 October."

[Ibid.] "Bundle No. 37. Letters and papers for the year 1746.

Feb. 5th. Narrative of the retreat of the rebels by way of Perth.

Feb. 9th. Copy of an order by the Duke of Atholl to the vassals to come to Dunkeld, &c.

Summons to James, Duke of Athole to attend the trial of Lord Lovat.

Feb. 17th. Letter from the Duke of Cumberland sending a Commission of Sheriff to the Duke of Athole for his Grace's signature.

Feb. 18th. Copy of his Grace's answer [and other relative papers].

Feb. 27th. Return of arms, &c. taken from the rebels at Blair Castle.

March 17. Letter to the Duke of Athole from R. Robertson, Kirkmichael, to learn his Grace's sentiments as to his endeavouring to bribe Lord George Murray's secretary to reveal the designs of the Prince.

March —. Copies of letters to the Lord Justice Clerk with intelligence, from 17th to 23rd March.

Copy address, Justices of the Peace, &c.

Robert Stewart's account of the battle [of Culloden], the 24 April.

List of those in the Bill of Attainder.

List of vassals who have been in the rebellion. 16 May.

Proceedings in the House of Lords preparatory to the trials of the Earls of Kilmarnock and Cromartie, and Lord Balmerino.

Summons to attend the trial of the above peers.

Three letters giving an account of the illness and death of the Marquis of Tullibardine in the Tower of London, the 9th July 1746.

July 10. Letter from Lord Dunmore to the Duke of Athole, conveying the King's consent to his wearing mourning for his brother.

Sept. 4. Copy Order from the Duke of Athole to Baron Reed, to raise vassals and join the King's standard.

Sixteen miscellaneous letters and papers relating to the rebellion.

Memorial of Gregor Murray, a prisoner at Dunkeld, and eleven of his papers relative to the rebellion, being orders from the Marquis of Tullibardine, the commander-in-chief of the rebels, to raise troops, &c.

Several letters and papers in favour of persons to be tried, attainted or condemned, for the part they had taken in the rebellion, viz.,—Sir James Kinloch; Alex. and Charles Kinloch; Alex. Macgrowther; Stewart of Ballechin's son; Mr. Mercer; Gordon of Glenbucket; Mr. Farquharson; Lady Nairne's daughter.

* * * * *

Division No. 3.—Correspondence and papers of Lord George Murray, relative to the affairs of 1745–6, and various journals and memorandums of Lord George Murray's copies of some of these originals, and various other memoranda and papers as described below . . .

1745, Nov. 14. Letter from the Prince (signed Charles P. R.) to Lord George, accepting his resignation as Lieut.-General, and his future services as a volunteer, dated at Brampton, Nov. 14, 1745.

1745, Dec. 20. "Journal of the Marches of H.R.H. the Prince Regent's army, from the time they entered England, the 8th Nov., till their return to Scotland, the 20 Dec. 1745."

1746, January. Memorial of Lord George Murray, 6 Jan. 1746, that the Prince should, from time to time, call a Council of War, and upon sudden emergencies a discretionary power should be vested in those who had commands, &c. This is the original paper delivered by Lord George into the Prince's own hands, and it contains the Prince's answer in his own handwriting, dated the 7 January 1746, refusing to adopt the advice proposed, and complaining of the way in which he was treated, &c. [This Memorial and the Prince's reply, were printed in the preface to the first report on the Athole muniments. (Historical MSS. Commission, Appendix to 7th Report, p. 704.) There are two copies of the memorial and answer, one "with a long note by Sir John M. McGregor, with this concluding remark, "This memorial, and the answer, seem to develope in a great measure the causes of the early and easy suppression of the last attempt made for the re-establishment of the Royal House of Stuart."]

1746, Jan. 23. Letter from Prince Charles to Lord George; reasons for not visiting him at Falkirk.

1746, Jan. 24. Letter from the Prince to Lord George [similar in tenor].

1746, Jan. 25. Letter from the Prince from Bannockburn; reasons for keeping with him the Athole Brigade.

Account of the battle of Falkirk, 9 pages. Copy of what was presented "to his Royal Highness as the opinion of the officers at Falkirk 29 Janry. 1746," advising an immediate retreat to the Highlands. Signed by Lord George Murray and the heads of the clans. [Two other copies.]

MSS. OF THE DUKE OF ATHOLE.

"Account of the preceepetat Retreat, or Flight from Falkirk," in the handwriting of Lady George Murray, except the last 7 lines in Lord George's writing. [Also a copy.]

Feb.—Original Order by the Duke of Cumberland, 20 Feb. 1746, to Captn. Campbell of Knockbuy, to march and take up post with certain companies, to attack the rebels, and to give them no quarter.

Sketch of the ground from Nairn to Inverness, including Culloden.

April 12. One of the proposals for an enterprise by the Highland army, 12 Ap. 1746, viz., to order 5,000 of the best troops to march into Athole, to send an advanced party to seize the passes of the Tummel and Tay, and to prevent the retreat of the Prince of Hesse. This paper is not signed, but is supposed to have been a proposition of Lord George Murray's [with a copy.]

April 15. The Original Orders previous to the battle of Culloden by Lord George Murray, Lieutenant-General, and in his handwriting, dated Culloden 14 to the 15 April 1746, in duplicate. Order of battle of the Highland Army at the battle of Culloden.

April 17. Letter from Lord George Murray to the Prince, written the day after the battle of Culloden, dated Ruthven in Badenoch, 17 April 1747 [*sic* 1746], lamenting the late loss and present situation of their party, and mentioning some truths showing the error of setting up the Royal Standard without positive assurance from H.M. Christian Majesty that he would assist with all his might; of the unfitness of Mr. O'Sullivan and Mr. Hay for their situations, and specifying the instances in which they failed in their duty; of the fatal errors as to the situation chosen for the battle; want of provisions; and concluding by hoping H.R. Highness would accept of his demission, &c. in Lord George Murray's handwriting, [also an imperfect copy].

May 10. Copy of a letter, dated 10th May 1746, relative to the conduct of the Highland army, and as to what happened the day of the battle of Culloden and the preceding day. This is in the handwriting of Lady George Murray. [There is also a copy, with a note by Sir J. M. Macgregor, to the effect that the letter is supposed to have been written to a friend by Lord George Murray, because copied by his wife. It is added that "in a letter of Lord George, dated Emerich, Aug. 5, 1749, to Mr. William Hamilton, he alludes to a letter which he wrote the 10 May 1746, and left at the Scots College at Paris in such a way as makes it pretty certain the letter was written by him."]

Remarks upon the above letter in the handwriting of Lord George Murray, but not signed. Copy or draft of a letter of 79 pages, in the handwriting of Lord George Murray, containing an account of the most material circumstances that fell out from the time the Prince landed in Scotland till the battle of Culloden.

Account of the arrival and progress of the Prince through England and Scotland till his coming to Inverness [with copy].

Copy of a letter from Lord George Murray to Mr. Hamilton of Bangour, dated the 25 May 1746, giving an account of the principal occurrences in which he had an immediate concern, from the time of his joining the Prince to the battle of Culloden; 42 long pages [with another copy].

1747. Memorandum in the handwriting, and signed by, Lord George Murray, of a message he received on the 11 July 1747 at 9 at night at Paris, by Mr. Stafford from the Prince, desiring Lord George not to go near him for he would not see him, and that it would be well for him to leave Paris as soon as he could.

1749. Two letters from Mr. William Hamilton to Lord George Murray for information relative to the transactions of 1745, one dated Feb. 16, 1749, the other July.

1749. Letter from Lord George to Mr. Hamilton, dated 5 August 1749, respecting the battle of Culloden, &c.

1747 to 1756. Eight letters (signed James R.) from the Pretender to Lord George Murray from 1747 to 1756, from Rome, &c., conveying sentiments of his good opinion and kindness towards him; to allow him 400 livres p. month; as to the state of the Prince's affairs and prospects; about a pension from the French Court; relative to Lord Macleod, &c.

1754. A letter signed "Henry Cardinal" (son of the Pretender) to Lord George Murray, dated June 10, 1754, sentiments of esteem and friendship.

1760. Letter signed "James Edgar," written by command of the "King" (the Pretender), conveying compliments of condolence to Lady George Murray on the death of her husband, Lord George. Dec. 9th.

Copy of a letter from the Pretender to the Prince, not dated.

Some memorandums on a publication relative to the affairs of 1745.

1716 to 1724. A Paper endorsed "Journal from the time I came into France the 9th May N.S. 1716, to August 22, 1724."

1746–1748. Journal of Lord George Murray from 16 Dec. 1746 to 20 August 1748, consisting of seven sheets in the handwriting of Lady George, with some corrections in the handwriting of Lord George.

Journals of Lord George Murray through part of Germany, Silesia, Poland, Prussia, &c., &c., &c.

Edinburgh, 32, Castle Street,
5th October 1888.

WILLIAM FRASER.

MSS. OF THE EARL OF HOME.

THE MANUSCRIPTS OF THE EARL OF HOME.

The muniments now reported on relate to the family of Home, an ancient and famous Border House, of which the Earl of Home is the chief representative. As is well known, he is also the heir of line of the still more distinguished family of Douglas, Earls of Douglas and Earls of Angus, and as such his lordship has inherited a large portion of their ancient territories ; but the Douglas muniments are not the subject of the present report.* The documents of the Earls of Home, so far as those are preserved at the mansion of the Hirsel, are not of very remote date, owing to the fact that the ancient barony of Home and the lands comprehended in it have for the most part passed out of the possession of the Earls of Home. But as the lands held by the Home family were situated in several counties in Scotland, the muniments now reported on contain a considerable amount of miscellaneous information which is of value to local antiquaries.

Before commenting on the papers reported on, a brief sketch of the family of Home preceding the date of the earliest writ may be given.

Under the title of Earl of Home the authors of the Peerage of Scotland trace the descent of the Home family as a branch of the great House of Dunbar, Earls of Dunbar and March. The three earliest generations which are given by these writers are (1) Patrick second son of Cospatrick Earl of Dunbar and March : (2) William the son of Patrick and the Lady Ada of Dunbar, the wife of William : (3) Their son William de Home.

From the constant family tradition, as well as from the long inheritance of the territory of Home, and the bearing of the surname of Home and the arms of the Dunbars, Earls of Dunbar and March, there is much probability in favour of the alleged princely descent. But strict legal evidence regarding the existence of the earliest generations of the Home family is lacking in that portion of the Home muniments which is preserved at the family residence of the Hirsel and to which this Report solely refers.

The family residence of Home Castle was occasionally garrisoned by English, French, and Scotch officers during Border warfare. A frontier castle so occupied was not the safest repository for the muniments of the owner. It is thus not matter of surprise that charters of the twelfth and thirteenth centuries, which were usually of small size, are not now to be found at the modern residence of the Earl of Home. Whether such evidence may yet be discovered in the other portion of the Home muniments now in the custody of the family solicitor in Edinburgh, remains to be ascertained when full inspection has been obtained of these additional documents.

The first direct male ancestor connected with the territory of Home is Sir William, lord of Home, Knight, who is referred to in a charter dated in 1268, granted to the monks of Kelso by his son, also designed William, Lord of Home. The lands dealt with in the charter had been

* "The Douglas Book," in four volumes 4to., 1885, contains the history and muniments of the Douglas family.

granted to the Abbey of Kelso by Ada, daughter of Patrick, fifth Earl of Dunbar, known as Ada de Courtenay, from the name of her first husband. She was lady of the territory of Home, which she received from her father as a marriage dowry on her union with William de Courtenay. He died about the year 1217, and two years later she married Theobald de Lascelles, becoming a widow for the second time in 1225. She thereafter married, as her third husband, William, said to be a grandson of Cospatrick, third Earl of Dunbar, who it is stated became in her right lord of Home, and the descent of the family of Home in a direct male line is traced from him.

But in the absence of more ample evidence doubt may be entertained whether the Sir William, lord of Home, named in the writ of 1268, was the husband of Ada de Courtenay, or, if he were, that he was identical with William of Dunbar, grandson of Earl Cospatrick. William of Dunbar was the son of Patrick, lord of Greenlaw, second son of Earl Cospatrick, and inherited his father's lands of Greenlaw. He also held the lands of the Hirsel. He is usually said to have taken the designation of Lord of Home after his marriage with Ada de Courtenay. But as we have said there is a lack of strictly legal evidence that William, Lord of Greenlaw and Hirsel, and William of Home were the same person. William of Greenlaw was married, and his wife is described as M. the Countess. Though she is usually said to be his first wife the dates seem to make it doubtful whether he married Ada of Courtenay.

While, therefore, there is no doubt that Ada de Courtenay was a daughter of the Earl of Dunbar, there is no proof yet discovered in the Home muniments now reported on that she was married to a member of the same family, and the Sir William, Lord of Home, named in the charter of 1268, was probably not her husband as usually stated, but her son who inherited the territory of Home through her, and took his surname from his lands. Even should fuller evidence of the descent of the Earls of Home from the Earls of Dunbar and March in the male line not be forthcoming, they have still the distinction of showing descent in the female line through Lady Ada of Dunbar from these great Border Earls.

Sir William, Lord of Home, was succeeded before 1268 by his son William, also styled Lord of Home, who disputed the grant made by Ada de Courtenay to the monks of Kelso, but afterwards yielded the matter, and in 1269 bound himself to confirm their title to the lands when he should assume military or knightly arms (*arma militaria*) and in the assumption of arms change his seal. Who succeeded to William, Lord of Home, is not certain, but Galfrid de Home is named in the Ragman Roll of 1296. Various other persons bearing the surname of Home are mentioned in English records relating to the lands during the period between 1333 and 1338, when the south of Scotland was overrun by Edward the Third and Baliol, but for want of definite information it is uncertain who was Laird of Home at the period. In the later part of the reign of King David the Second, John of Home is referred to, and he is probably identical with the Sir John Home named in the foundation charter of the college church of Dunglas [No. 123 *infra*] granted about 1450 by his great grandson Sir Alexander Home. Sir John was succeeded by his son, Sir Thomas, who married Nicolas Pepdie, heiress of the barony of Dunglas in East Lothian. He was succeeded by his son, Sir Alexander, the first of that name, who married Jean or Janet Hay. This Sir Alexander was a faithful adherent and attached friend of Archibald, fourth Earl of Douglas, under whom he acted as deputy warden of the priory of Coldingham. Home of

Godscroft, the historian of the Douglases, after noting the details of the battle of Verneuil in France, where both the Earl of Douglas and Sir Alexander Home were killed, explains the reason of the latter's presence in France by a story illustrative of the friendship between him and the Earl. When Douglas in reply to the request of the King of France was preparing in the beginning of 1424, to sail with a Scottish force to that country, Sir Alexander Home, it is said, wished to send his brother, David Home of Wedderburn, but when he accompanied the Earl to the ship, the latter "embracing him kindly said to him, Would I have believed, Sir Alexander, that ever you and I could have been separated from one another; to whom he replied, Surely then, my Lord, I shall not part." He then, adds the historian, sent back his brother David with instructions to care for his family in his absence or in case of his death, a charge which was afterwards fulfilled with much fidelity. This story has been discredited by a statement in an old manuscript in the Harleian collection, and also by Holinshed, that Sir Alexander Home was killed at Crevant in July 1423. Godscroft's tale, however, is so far supported by the first writ now reported on [No. 1 *infra*] which is the last disposition made by Sir Alexander Home of his affairs, and which does appoint his brother David as one of his executors. The date of the Will made at Dunglas, on 3rd February 1423–4, also coincides with the date of the Earl of Douglas's expedition to France, which left Scotland some short time after the 6th of that month, but the terms of the document seem to imply that Home settled his affairs in view of an intended departure which was not so sudden as Godscroft represents. He does not refer definitely to the proposed expedition, but provides in the first clause of his Will that a commemorative mass should be celebrated for him at Whitekirk, a church at some considerable distance from his residence at Dunglas, but particularly famous for the sanctity of its shrine and the alleged miracles wrought by its tutelary saint, the Virgin Mary. The testator also provides that if it should happen him to die in that year, an immediate mass should be said for him. This clause seems to imply that he contemplated a special cause of death and made provision accordingly. The document is interesting from the glimpse it gives of the sources of wealth then possessed by a prominent baron, and also of the prices of cattle and grain at the period. A few months before making his will, Sir Alexander Home had made a grant of lands to the chapel of the Virgin at Dunglas [No. 122 *infra*, 30 November 1423].

Sir Alexander Home was succeeded by his son of the same name, who about two years after his father's death married a distant kinswoman of his own, Marion Lauder. Who she was is not very clear, but she appears to have been one of four daughters of John Lauder and Katherine Lauder, whose identity has not been ascertained, and grandchildren of Sir Robert Lauder. The Retour of Marion and two of her sisters as heirs of their grandfather Sir Robert Lauder, and of Marion and a fourth sister as heirs of their mother Katherine Lauder will be found in Nos. 60, 113, and 271 *infra*. The sisters were heiresses of a fourth part each of Crailing, Hownam, Swinside, and other lands, and appear to have married into the families of Home, Rutherford, and, apparently, Wardlaw [cf. Nos. 61 and 114 *infra*].

Marion Lauder and Alexander Home were connected in the fourth degree of consanguinity, though the particular descent is nowhere stated, and therefore required a Papal dispensation to marry. This they obtained on 11 April 1426 [No. 119 *infra*], but apparently had not patience to wait for it, and married in the interval. In con-

sequence they had to undergo a formal divorce and be reunited under a second dispensation, ere they could consider themselves lawfully married or their children legitimate [Nos. 120, 121 *infra*], the last writ giving the date of the consecration of Robert [Strathbrock] as bishop of Caithness. [Cf. Keith, p. 214.]

Sir Alexander Home, the second of that name, was a somewhat prominent personage and took an active part in public affairs, but the principal fact recorded regarding him in these papers is his foundation of the collegiate church of Dunglas, in East Lothian, which is fully detailed in No. 123 *infra*. The foundation was made at the instance, and with the consent, of the good James Kennedy, bishop of St. Andrews. The founder enumerates among those whose souls are to benefit by his grant, his great grandfather, Sir John Home, his grandfather, Sir Thomas, and his father, Sir Alexander, his two brothers, Thomas and George, and his two uncles (or cousins), Patrick and David Home, and other relatives. The number of clergy to be maintained on the foundation was three, one of whom was to take the style of provost, each presbyter or chaplain receiving an annual salary of 12 merks with a house and garden. Four boys also were to be maintained for singing in the choir. Rules are laid down for the proper conducting of service in appropriate vestments. The continued residence of the clergy, except at stated periods, is also required, except as they receive leave of absence from the patron; with other regulations for the conduct of the clergy. After its foundation the collegiate church received various grants of land from neighbouring proprietors, and these donations became prebends of the college under the patronage of the granters and their heirs [Nos. 124–127, 129, 278, and 279 *infra*]. The lands of Trefontanis or Three Fountains, granted by King James II. [No. 127] are said to have belonged to a religious house of that name in Lammermuir founded by King David the First. The foundation of Dunglas was confirmed by Pope Nicholas the Fifth on 2 January 1451 [No. 128 *infra*].

Sir Alexander Home was succeeded by his son, the third Sir Alexander Home, who lived until about 1491, and in 1473 was created first Lord Home. Little reference is made to him in the papers now reported on, but in 1468, he and his grandson and heir, Alexander, afterwards second Lord Home, joined in a division of the lands of Crailing and others, with the families of Rutherford and Wardlaw, who also claimed a share in these lands, evidently through the heiresses of John and Katherine Lauder [No. 114 *infra*. Cf. also No. 61].

Alexander Home, the eldest son of the preceding, died before 1468, in the lifetime of his father. His eldest son, Alexander, afterwards second Lord Home, became the most prominent member of his family, and took high rank in the State, holding the office of Great Chamberlain of Scotland under King James the Fourth. This position he owed to the active part he and his grandfather took in establishing that King upon the throne. Many of the charters now reported on refer to this Lord Home, who was in high favour with the King, but none of them are worthy of special mention, except perhaps Nos. 187 and 247, which illustrate the manner in which the King disposed of casualties in his hands to Lord Home. In No. 247 we have the provost of the collegiate church of St. Mary at St. Andrews receiving the Chamberlain as tenant in the college lands of Balmain in Fife, at the King's desire, in place of John Ramsay, Lord Bothwell, the favourite of King James III., who had been forfeited; while in No. 187, John Scott, baron of Wilton, while acknowledging the King's right, desires to take advice before

receiving Lord Home as his tenant in the lands of Harden in Roxburghshire. Besides other influential appointments, Lord Home held that of governor or guardian to John, Earl of Mar, &c., younger brother of King James the Fourth, and in that capacity made a grant [No. 8 *infra*] to the Master of Huntly of the lands of the Earldom of Mar for a rental on behalf of the young prince.

The son of the preceding, Alexander, third Lord Home, succeeded his father in 1506 [No. 11 *infra*] and also held the office of Great Chamberlain; but falling under the displeasure of the Regent Albany, he was in 1516 arrested, tried on a charge of treason, and executed. His brother George, however, received a grant of the forfeited lands, and was duly restored by Parliament, a fact which is implied or referred to in several writs [Nos. 78, 130, 178, 188, 189, 197, and 249 *infra*]. Alexander, third Lord Home, married Lady Agnes Stewart, daughter of James Stewart, Earl of Buchan, by whom he had a daughter Janet, who, however, did not succeed to her father's estates, but renounced all the rights which she had through her grandfather, Alexander, second Lord Home, or his wife, her grandmother, Nicolas Ker, who was daughter and heiress of George Ker, of Samuelston, in favour of her uncle, George, Lord Home, who bestowed on her and her husband, John Hamilton, the lands of Samuelston, in the county of Haddington, under a clause of reversion [Nos. 259, 260 *infra*].

George, Lord Home, married Marion Halyburton, second daughter and one of the three heiresses of Patrick, Lord Halyburton, of Dirleton [Nos. 18, 25 *infra*], and their son, Alexander, Master of Home, was in 1537 a party to an interesting contract between him and King James the Fifth, in which it is proposed that the Master should marry the King's natural daughter (her christian name is not stated in the contract) by Elizabeth Beaton. The sum of 2,000*l.* was promised by Lord Home, and his son, the Master, of which sum 1,000*l.* was already paid to the King, and the other 1,000*l.* was still due to the King, who, among other conditions, promised to ratify to the Master and his father their lands and possessions [No. 17 *infra*]. There is, however, no evidence that this contract was ever carried out, and it would appear, if the lady referred to in the contract be identical with the Margaret Stewart named in No. 21 *infra*, that she died young. The name of this daughter of King James the Fifth seems to be unknown to history.

The writ [No. 21] last mentioned, which is mutilated, is apparently dated before December 1547, and refers to George, Lord Home, as then deceased; but the next document [No. 22 *infra*] contradicts that view, as George, Lord Home, is represented as a party to a contract in March 1549, and this last date is corroborated by Nos. 24 and 275 *infra*, where George, Lord Home, is said to have died two years before April 1551. This appears to cast doubt on a statement made by some writers that Lord Home was severely wounded in a skirmish the day before the battle of Pinkie [September 1547] and died not long after that conflict.

The important contract to which he was a party in March 1548–9 certainly could not have been made long before that date, as Monsieur d'Esse, one of the parties, did not reach Scotland till June 1548. It refers to the keeping of the castle of Home, and provides for its being garrisoned by a force paid by Government, a portion of the building being reserved for the use of Lord Home and his family. At the date of the contract the castle was in the hands of the English, who had also, as we learn from the writ, despoiled Lord Home's estates, so that he could not in any case have maintained the fortress, but some months later it was retaken by the Scots and French.

In October 1557 Home Castle was visited by the Queen Regent, who there granted a special commission to Alexander, Lord Home, to resist a threatened invasion from England, which, however, did not then take place [No. 26 *infra*]. Two years later a garrison of fifteen men was posted in the castle, and a sum of 75*l.* Scots monthly appointed for their maintenance [No. 27 *infra*]. The garrison was also continued in the time of the Regent Morton [No. 33 *infra*].

Alexander, fifth Lord Home, was for a time a supporter of the Regent Murray and of the King's party, receiving as a mark of the regent's favour various privileges and grants. One of these [No. 28 *infra*] deals with the lands in Ettrick Forest leased by Lord Home from the Crown, but which, owing to the disturbed condition of the country, had been laid waste. Another grant [No. 30 *infra*] bestowed on Lord Home's eldest son was part of the abbacy of Arbroath, John Hamilton, the commendator, having left Scotland [cf. No. 287 *infra*], and a process of "barratry" being led against him. Notwithstanding these marks of favour, Lord Home, in 1569, joined the Queen's party, and was one of those who held for her the Castle of Edinburgh. On the surrender of that fortress, in June 1573, Lord Home was imprisoned and died two years later while still in captivity. We learn this from No. 39 *infra*, in which his son makes complaint against the treatment to which he alleges his father was subjected by the Regent Morton and the Earl of Angus. The complaint against the latter deals with a comparatively petty quarrel about the teinds of Cockburnspath, in which parish Angus and Home were neighbouring proprietors, a dispute afterwards settled by arbitration in 1586 [No. 42 *infra*]. Large sums were paid to the Regent Morton [cf. No. 32 *infra*] for a lease of Lord Home's lands while he was under forfeiture, but the lessee, Andrew Ker of Fawdonside, was a connection of the family.

Alexander, fifth Lord Home, although, as we have seen, he was contracted to a natural daughter of King James the Fifth, did not marry her, but, as his first wife, Margaret Ker of Cessford, by whom he had issue one daughter. He married, secondly, Dame Agnes Gray, daughter of Patrick, Lord Gray, and widow of Sir Robert Logan of Restalrig, by whom she was the mother of Robert Logan of Restalrig and Fastcastle, who after his death was accused of complicity in the Gowrie conspiracy [cf. No. 94 *infra*].

Alexander, sixth Lord Home, son of the fifth Lord and Agnes Gray, owing probably to his father's imprisonment, chose curators during his father's lifetime [No. 31 *infra*]. In 1578 he was by a special Act of Parliament restored to his rank and estates and was duly served heir to his father [Nos. 34–36, 38 *infra*], his uncle, Andrew Home, commendator of Jedburgh, having been appointed his guardian, he being still a pupil. In 1581, he again chose curators, one of the principal of whom was William, Lord Ruthven (first Earl of Gowrie), to whom also the casualty of the young lord's marriage had been granted by the King giving him a right to exact a fine or certain sum of money if Lord Home refused to marry the lady proposed by Ruthven as his wife. As a result of this gift we have [in No. 40 *infra*] a writ recording a curious ceremony, a notary's instrument narrating that on 31st May 1584, Lord Ruthven's procurator appeared at Lord Home's lodging in the High Street of Edinburgh, and in his name offered to the young nobleman the choice of two of Lord Ruthven's daughters as his future wife. These were Lilias and Dorothy Ruthven, whom the procurator set forth as "Virginnis vndefameit and of lauchfull age to marie," requiring Lord Home to accept either of them and to complete the marriage. This

formal offer, though of the actual making of such we have very few records—was in strict compliance with feudal law, which required such intimation to be made to any marriageable heir by the superior, or the person (as in this case) to whom the casualty of his marriage had been granted, that the heir might accept or refuse the proposed union in due form. As we learn from this writ Lord Home simply accepted the intimation and promised to give an answer to Lord Ruthven himself. What that answer was we do not know, or whether later events broke off the intended union, but Lord Home married neither of the young ladies thus offered to him, his first wife being Christian Douglas, daughter of William Douglas of Lochleven, afterwards Earl of Morton, and widow of Lawrence, Master of Oliphant.

Excerpts from a drapery account incurred by this lady as Lady Home for herself and her son the little Master of Oliphant (she had no children by Lord Home) will be found in No. 43 *infra*. A household book of this period giving the expenses of a month's residence of Lord and Lady Home at Coldingham in 1592 will be found at No. 95 *infra*. The notes given of prices of beef, mutton, game and fish, are of interest.

Alexander, sixth Lord Home, was a favourite of King James the Sixth and accompanied that King to England on his accession, was made a member of the English Privy Council, and in 1605 was created Earl of Home. The friendship between the King and his subject was probably strengthened by their similarity of taste, both being fond of sport. Lord Home's breed of hounds were distinguished for their swiftness, so much so that King James, who on one occasion was drawn into a competition, describes them as "fleing feinds" [Report on MSS. of Duke of Hamilton, p. 67]. The Earl died in April 1619, and his last instructions to an old servant shortly before his death related to his dogs, and the hope that his son, the second Earl, would become a huntsman [No. 49 *infra*]. We learn from an account referred to in No. 59 that the second Earl did take an interest in horses and hounds, but probably not to such an extent as his father.

James, second Earl of Home, was a minor at his father's death under the guardianship of his mother Mary Sutton, Lady Home, and others [No. 76 *infra*]. He died without issue in 1633, and was succeeded in his title and in part of the estates by his kinsman, Sir James Home of Coldenknowes, descended from John Home, a younger brother of Alexander, second Lord Home. He received the lands of Crailing and others, and was known also as John Home of Ersilton or Earlston. He died in 1493, and notices of him and his descendants will be found among the papers now reported on [cf. Nos. 97, 102–112, 261–265 *infra*]. James, third Earl of Home, who was the direct ancestor of the present Earl, died in 1666 and was succeeded by his oldest son, Alexander, fourth Earl of Home, whose appointment as one of the gentlemen of the bed chamber to King Charles the Second in 1671 [No. 52 *infra*] is the paper of the latest date here noted, and concludes the series of writs bearing on the more personal history of the members of the family of Home.

The writs from this point onwards are not of a consecutive character, but are divided into groups relating to various lands once possessed by the family of Home, but which have for the most part passed out of their hands. These scattered writs, however, as already stated, contain a good deal of miscellaneous matter not unworthy of notice. Thus, in No. 53 *infra*, we have the name of one of the less known preceptors of the Knights of St. John at Torphichen, Friar Andrew Meldrum. The Templars seem to have held lands in the parish of Auldcambus, now part of the parish of Cockburnspath, their superiors being the Priory of

Coldingham, who also held the teinds of the parish last named [cf. Nos. 54–57 *infra*]; one of the latest priors being John Maitland, better known as the first Lord Thirlestane.

The lands of Auldcathy in Linlithgow and Arbirlot in Forfarshire [Nos. 60–63 *infra*] also belonged to the Homes for a time, coming into the family through their alliance with the Lauders. In Nos. 64–66, is a series of writs bearing the name of James Stewart, second son of Queen Joanna Beaufort, widow of King James I., by her second husband Sir James Stewart, the "Black Knight of Lorn." In 1457 he received from his brother-uterine, King James II., the lands of Bedshiel, in Berwickshire, forfeited by Mark Haliburton, a faithful friend and sometime secretary of James, ninth and last Earl of Douglas. In this writ the grantee is styled simply James Stewart. In the next writ dated 10 March 1470, he is designed Sir James Stewart of Auchterhouse, Knight, in a charter by his nephew, Alexander Duke of Albany, Earl of March, &c. In the last writ we find him as Earl of Buchan resigning the superiority of Bedshiel to Lord Home. This was in 1494, and probably pressure was brought to bear on him as he had taken the side of King James the Third at the battle of Sauchie. The seal and signature of Alexander Duke of Albany are appended to writ No. 65; cf. also Nos. 279, 280.

In 1567 Alexander, fifth Lord Home, received a grant of the office of Sheriff of Berwickshire, formerly held by the Earls of Bothwell. We learn that he was installed by delivery to him of staff and book, at the church of Lauder and the market cross of Duns. In the time of King Charles the Second, the office was valued at 2,000*l.* Sterling [Nos. 67–72]. The office was for a time held by Ludovick, second Duke of Lennox, and also during the Commonwealth by persons appointed by Cromwell [No. 96 *infra*].

Nos. 73–75 show the parentage of, and deal with some transactions by, Mr. David Borthwick of Lochhill, a prominent member of the Scottish bar, a Lord Advocate, and senator of the College of Justice. He was, it would appear, the son of a burgess of Haddington. He amassed a considerable fortune, which, it is said, was dissipated by his son, James Borthwick. His seal and signature will be found in No. 75.

Nos. 77, 78, and 79–82 deal with the lands of Braidley in Roxburghshire and Birgham in Berwickshire, but the writs require no special mention. A herald will be amused at the curious quartering of the seal referred to in No. 78. The lands of Birgham were granted by William, eighth Earl of Douglas, to Sir Alexander Home, and at a later date were given by King James the Third to Alexander Bruce, one of his favourites (ancestor of the Bruces of Earlshall), who exchanged the lands in 1490 for Lord Home's lands in Fife.

The writs of Chirnside [Nos. 83-91 *infra*] give the names of several members of the ancient family of Spens hitherto unknown to genealogists, and the terms of one document seem to imply an earlier alliance between the families of Dunbar and Spens than the marriage with Margaret Dunbar of Kilconquhar. The same writ also gives the name of a son of George, eleventh Earl of Dunbar, of whom nothing is known.

The charters relating to the Cowdenknowes [Nos. 97–112 *infra*] may be of interest to the local antiquary to decide whether the "hal orchard" described as the manor of Earlston is identical with the ruined building traditionally known as the Rhymer's Tower. The Cowdenknowes was the mains of Earlston, and no fortalice is recorded as existing there until 1506, when King James the Fourth in a charter to Mungo Home refers to the mains of Ersilton calle "Coldaned knollis"

with fortalice and manor thereon [Register of Great Seal]. Notice may be directed to the family agreement detailed in No. 112 by which the Coldenknowes family agree to live together so long as they can agree among themselves, the household accounts to be carefully kept and audited by the mistress of the house every Saturday. In this writ Sir James Home of Whitrig, father of the third Earl of Home, refers to his own five brothers, while only three are known to genealogists. Unfortunately he does not name them.

In No. 118, under date 1477, we get the name of a Prior of Lesmahagow, and of the then sub-prior of Kelso, not previously known. Passing over the writs of Dunglas as already noticed, there are in Nos. 130–147 some writs of the nunnery of Eccles. This nunnery or priory is said to have been founded by Earl Cospatrick of Dunbar in 1155. In the reign of King James the Fifth, if not before that date, the then Lord Home was appointed hereditary bailie of the priory lands [No. 130 *infra*]. These comprised various small portions of land as enumerated in No. 146, and certain church lands in the parishes of Eccles, in Berwickshire, and Bothkennar, in Stirlingshire [No. 132]. There were for a time two rival prioresses, but the one recognised by the Crown was Marion Hamilton, apparently a member of the Innerwick family. After the annexation of the monasteries to the Crown in 1587, the abbacy passed through various hands, under grants from King James the Sixth, and at a date about 1616, the temporalities of the priory were erected into a barony in favour of Sir George Home of Pincarton and Eccles. He has been confounded with Sir George Home of Spott, Earl of Dunbar, but the latter died in 1611.

Eskdale [No. 150] and Ewesdale [Nos. 151, 152], Fogo and Gordon, the writs of which are in Nos. 153–174, all belonged, in one form or another, to Lord Home, as also part of Greenlaw [Nos. 175, 176], but none of these writs require special mention, except No. 171, which refers to a raid made on Lord Home's lands of East Gordon, and No. 173, which illustrates the hardships endured by tenants and others when those entitled to teindsheaves, which must be lifted before the others were taken from the fields, delayed to secure their property in a reasonable season of the year.

The lands of Greenwood, Harden and Hoscote, in the vale of Borthwick water, in the shire of Roxburgh, were granted to Lord Home, Great Chamberlain, and his son, and among the writs dealing with them [Nos. 177–180, 185–191, 196–199] we have notices of the Turnbulls and Hepburns as at one time possessors of Greenwood and Harden before they came into the hands of the Scotts, who are also named, while Hoscote was one of the ancient holdings of the Lords Borthwick, who took their family name and title from the Borthwick valley.

Two writs [Nos. 200, 201] showing the acquisition of Howlaws in Berwickshire [cf. also No. 192] from James, Master of, afterwards ninth Earl of Douglas, who in return received the lands from John, Lord Haliburton of Dirleton, are followed by a series of writs of some interest to genealogists. These [Nos. 202–208] relate to the Scotts of Howpasley said to be represented by Lord Napier and Ettrick. It appears from the writs now reported on, compared with No. 117 *infra* and Charters in the Great Seal record, that Alexander Scott of Abbenton or Abington was the first Scott who held Howpasley in property, the lands having been in possession of the Stewarts of Dalswinton and Garlies till about 1468, when King James the Third granted them to Alexander Scott on the resignation of Alexander Stewart, younger of Dalswinton. This seems to dispose of the alleged pedigree

given by some peerage writers of the Scotts of Howpasley as descending from a remote source, and although the present writs throw no light on the point, there seems reason to believe that Alexander Scott of Abingdon and Howpasley was identical with Alexander Scott, the second or third son of Walter Scott of Kirkurd and Buccleuch. That Alexander had two sons, Walter and Adam. Alexander Scott of Howpasley was succeeded [No. 204 *infra*] by Walter Scott of Howpasley, who was named as an executor by David Scott of Buccleuch in 1492, and he was afterwards tutor to the young laird of Buccleuch, an office usually filled by a relative.

Walter Scott appears to have had issue a daughter, Janet Scott, who was his heir [No. 205 *infra*] in 1530, before which she was apparently under the guardianship of Robert Scott, designed tutor of Howpasley, who seems to have been her uncle, and to whom she may have resigned the estate of Howpasley. King James the Fifth in 1536 granted under the great seal to Robert Scott of Howpasley and Isobella Murray, his wife, the lands of Appletreehall, &c., which had belonged to Robert's father and were in the King hands, through the forfeiture of Alexander, Lord Home. This proves that Robert Scott and the late Walter Scott must have been brothers, and the former, as is evident from the writs now reported on, carried on the line of the family. Janet Scott married Thomas McDowal of Mackerstoun, but Robert Scott of Howpasley was succeeded in 1578 by his son, Sir Walter Scott of Birkenside, who in turn was followed, in 1580, by his son, Walter [Nos. 206–208], though the latter was not infeft till 1588.

Among the writs of Huntlywood [Nos. 209–212] may be noted the instrument by Alexander, Earl of Huntly, telling why he had issued a duplicate charter to Lord Home, because some malicious person had torn away the seals of the first grant, thus showing the importance then attached to sealing as the mode of authenticating documents.

In the writs of Bolton, East Lothian, which follow [Nos. 213–220 ; cf. also No. 129] we have references to a member of the Hepburn family whose name appears to be wholly unknown to peerage writers, and yet he was for many years Master of Hailes and the nearest heir to the earldom of Bothwell. He was the brother of Adam Hepburn, second Earl of Bothwell, who was killed at Flodd en on 9th September 1513, and must have been the next in age, as in 1515 he describes himself as tutor lawful and heir of his nephew, Patrick, Earl of Bothwell. The legend on his seal [No. 129] is not clearly decipherable, and it cannot be ascertained what property he possessed, but at a later date he obtained through Lord Home the lands of Bolton. Up to 1537 he is designed Master of Hailes, which seems to imply that his grand nephew, James, afterwards the famous Earl of Bothwell, was not then born. He is also designated in the same way in 1559, after his nephew's death, he being also the next heir to his grand nephew.

Patrick Hepburn of Bolton, Master of Hailes, appears to have had only one son, and to have been succeeded by a granddaughter, who married James Hamilton of Sprouston, perhaps identical with the laird of St. John's Chapel [No. 232 *infra*].

The Papers which relate to the Abbacy of Jedburgh and Restennet, now in Lord Home's possession [Nos. 221-226], do not call for special remark. The writs of the lands of Lambden [Nos. 227–231] show some generations of the old Merse family of Hately. They also held Mellerstain for a time [Nos. 252, 253], the last named writ recording a feud between them and the Brownfields, also a Berwickshire family. The names of Rany, Letham and Redpath occur in charters of the lands of Letham [Nos. 233–237], which in 1478 Edward Redpath resigned into

the hands of Alexander, Duke of Albany, to be given to Alexander Home. The house called "The Wolt of Letham" is alluded to in these writs.

The writs of Leyacres and Friarness [Nos. 238–243] and those of Samuelston [Nos. 256–260] deal with the later members of a family of Kers not named by any genealogists. The first of the family of whom anything is known is a Richard Ker, whose son and heir, John Ker, was an adherent or attendant upon James, second Earl of Douglas, and received from the Earl between 1384 and 1388 the lands of Samelston, or Samuelston, in the county of Haddington. Sir John Ker died in 1418, and was succeeded by his son, John, who in 1440 was succeeded by his brother, George [No. 256 *infra*]. The latter was apparently the father of George Ker of Samuelston, who married Marion Sinclair, and whose daughter and heiress, Nicholas Ker, married Alexander, second Lord Home, great chamberlain of Scotland. As formerly stated, the lands of Samuelston were given by George, fourth Lord Home, to his niece, Janet Home, who married John Hamilton. The lands of Leyacres and Friarness, however, formerly belonging to George Ker of Samuelston, were inherited by, or granted to his granddaughter, Elizabeth Home, who had been married, first, to Thomas Hay, younger of Yester, and then on a report of his death abroad, to James Lord Hamilton, first Earl of Arran, from whom she was [*vide* Report on Hamilton MSS.] divorced in 1504, because her first husband was discovered to be alive. In the present Report, however, she is described as Elizabeth Home, Lady Hamilton, so late as 1531, and appears to have retained the designation till her death in 1544 [cf. Nos. 241, 242], when her brother George Lord Home was served her heir.

From No. 245, we learn that there was an old family of Manderston of that Ilk. In Nos. 254, 255, compared with No. 171, we have reference to one of these plundering raids so common in Scotland, accompanied, in one case at least, with loss of life. The marauder was Ninian Chirnside of East Nisbet, who in 1523, made a foray upon Lord Home's lands of East Gordon and Huntlywood, and there despoiled his tenants. Either at that time or apparently at a later date Chirnside was instrumental in causing the death of David Home, prior of Coldinghame, a younger brother of George, fourth Lord Home, who with other relatives, demanded satisfaction. It may be noted that a Ninian or Ringan (the two names being synonymous) Chirnside, otherwise known as Captain Ringan Chirnside, was a prominent actor in the troubles between England and Scotland at a later period, but whether he was identical with the Laird of East Nisbet is not certain.

The lands of Smailholm belonged for a time to the Homes of Earlston and Coldenknowes, having been exchanged with Thomas Ker, a brother of the Laird of Cessford, for lands in Crailing and Hownam [Nos. 261–265]. The lands described in No. 266, as the Charterhouse lands of Spronston, were granted in 1433 by Archibald, fifth Earl of Douglas, to the Prior and Monastery of the Carthusians founded in Perth by King James the First; but how the lands came into the hands of the Hamiltons of St. John's Chapel does not appear. There are also a few memorials of another old ecclesiastical foundation, the Abbey of St. Bothan, said to have been founded by one of the Countesses of March for a community of Nuns. We learn from the writs now reported on [Nos. 267–269] what lands belonged to the priory, at least in its later days.

The remaining Writs, relating to Tinnies in Yarrow, Thornton in the county of Haddington, and Upsetlington in Berwickshire, do not merit special notice, or have already been touched upon.

The muniments as reported on are divided into two sections:—

1. Documents, more or less of a personal nature relating to the principal members of the family of Home.
2. Old Charters and other documents still in the charter chest at Hirsel relating to lands formerly possessed by the Home family.

Section I.—Documents, more or less of a Personal Nature relating to the Principal Members of the Family of Home.

1. Testament of Alexander Hume of Dunglass 3rd February 1423–4.

The original is in Latin, but a translation is here given.

Inventory of all the effects of Alexander of Hum made at Dunglase the third day of the month of February 1423 A.D., in presence of trustworthy men, namely, Patrick of Hum, his brother, Alexander of Hum, his son and heir, William Hall (de Aula), his chaplain, and John Bewclase. First he acknowledges himself to possess 1,300 ewes price of each 3*s.* = 156*l.* [sic, *lege* £195] Item he acknowledges 23 score barren sheep and ten sheep price of each sheep 2*s.* = 47*l.*; Also 48 rams commonly called "twpis" price of each 2*s.* = 4*l.* 16*s.*; Also 800 young sheep commonly called "hoggis" price of each 14*d.* = amount 56*l.* Total value of all his sheep 263*l.* 16*s.* He likewise acknowledges himself to have four score and four cows each valued at 13*s.* 4*d.* amount 56*l.*; also 21 bullocks of two years old, price of each 6*s.* 8*d.* amount 7*l.*; Also 52 calves, price of each, 40*d.* amount 8*l.* 13*s.* 4*d.*; Also four score and fourteen oxen, value of each 13*s.* 4*d.* amount 62*l.* 13*s.* 4*d.* Total of all his oxen and cows 134*l.* 6*s.* 8*d.* Also twenty chalders of corn [or wheat "frumenti"] growing, each boll valued at 40*d.* amount 53*l.* 6*s.* 8*d.*; Also "in the Slad" in oats and barley 13*l.*; also in Dunglase in oats sown and to be sown 24 chalders price of each chalder 20*s.* amount 24*l.* Also in Aldcambus and Hundwood 15 chalders of oats, each chalder of the supposed value of 20*s.* amount 15*l.* Also in barley to be sown in Dunglass and Aldcambus twenty chalders 32*s.* amount 32*l.* Total amount of all his produce 136*l.* 16*s.* 8*d.* Amount of all the foresaid effects 534*l.* 9*s.* 4*d.*

These are the debts which are due to him by others: First, the Bishop of St. Andrews, 10 nobles; Sir William Lyndyssay 10 merks; Walter of Ogilvy 10 merks; John of Manderston, 8 merks, one ox and one mart [for winter beef] of annual rent. Also the burgesses of Edinburgh 40 nobles. Amount of my debts 40*l.* and 10 nobles.

As nothing is more certain than death or more uncertain than the hour of death. In the name of God Amen. I, Alexander of Hume make my testament in this manner, namely, I give and bequeath my soul to God Almighty and the blessed Mary, and I declare and ordain that a chaplain may celebrate [a commemorative mass] in the church of the blessed Mary which is called Whitekirk; and because that chaplain may be more readily got at the feast of Whitsunday next to come, and if it happen me to die, which God forbid, in that year, I wish that immediately after my death there may be celebrated on account of my death services in accordance with church usage, and that one chaplain may celebrate once a year in the church of St. Michael of Aldhampstocks Also I give and bequeath to Christiana my daughter two hundred pounds; also I give to Jonet my daughter one hundred pounds. Also I give and bequeath to Alicia my daughter one hundred merks. Also

to George my son 50 merks, and the residue of all my goods to my son Alexander, for supporting the burdens incumbent on me as on him, and that he may dispose the same effects with the advice and assistance of my living executors, whom I ordain and constitute to be the persons underwritten, namely Patrick Hepburn laird of Wauchton, Patrick of Hume, David of Hume, my brothers, and the said Alexander, my son, that they may dispose of the same goods with the advice and protection of my superior the lord of Hailes that he may defend them and compel them to fulfil my desire, by giving them power to do all and sundry which of right belong and are known to belong to the office of executors, as they shall desire to answer to the supreme Judge. And in token of this testament my seal is affixed to the presents. At Dunglass, year, day and month beforenamed.

2. Letters by Alexander of Hume, cousin or kinsman of Alexander of Hume lord of that ilk, resigning into the hands of the latter as his over lord, his whole lands lying in the town [villa] and territory of Hume, with the pertinents within the earldom of March, with all claim and right which the granter had in the same. At Dunglass 1st June 1433.

3. Discharge by Patrick Lord Hailes to Sir Alexander Home of that Ilk: "Be it kend till all men be thir present letters, me Patrick Hepburn lorde Hailis to hafe resauit be the handis of Sir Alexander Home of that Ilk knycht all and syndry sommys of monee aucht to me be him throuch the cause of maryage of Adam my sone and aire and Helene the dochter of the saide Sir Alexander. Of the sommys all and syndry beforsaide I hald me veile content fullily assythyt and paide and quhitclemys and dischargis the said Sir Alexandir his airis executouris and his assignais of all and syndry the said sommys for me myn airis executouris and myn assignais for euermare be thir present letters. In vitnes of the quhilk thing to thir present letters me seile is to hyngyt at Hailis the thryd day of the moneth of Fabruare in the yher of Gode a thousand foure hundreth and sexty." The granter's seal is still attached, partly broken.

4. Contemporary copy of an agreement in the form of an indenture, between George Lord Gordon on the one part and Alexander Seton his brother on the other part, to the effect that neither Lord Gordon nor his heirs shall make any impediment to the entry of Alexander Seton to the lands belonging to his mother the late Giles Hay, but shall rather help and further him "thareto, in als fer as he may witht his worschip," and specially anent the recovering of the lands of Tulibody, except the lands of the forest of Bune and Avin with the tenandries lying within them, which Lord Gordon shall enjoy heritably without any obstacle, of the said Alexander and his heirs, for which lands Lord Gordon shall give to his brother the lands of Teuchfresale [Touchfraser] and the Drippis, lying in the sheriffdom of Stirling and that by charter and sasine within forty days. Providing that because James Lord Livingstone and Sir John Colquhoun of that Ilk held part of Touchfraser and the Drips from Alexander Earl of Huntly for their lives, Lord Gordon shall give his brother a portion equal to what they hold from the lands of Huntly and Gordon until he enters to Touchfraser, etc., and shall by means of James Bishop of St. Andrews and other friends, prevail on their father the said Earl of Huntly to consent to fulfil this arrangement, so that Lord Gordon and Alexander Seton may be put in fee of the forest of Bune and Avin, and the lands of Touchfraser and Drips respectively, the franktenement being reserved to the Earl. Dated at

Stirling 3rd February 1464–5. Thomas Lord Erskine, Alexander Spence son and heir to Murdow Spence, and others witnesses. The seal of the Bishop of St. Andrews is said to have been appended on behalf of Lord Gordon and that of Thomas Lord Erskine on behalf of Alexander Seton.

5. Contemporary copy of another Indenture between the same parties "for the stanchyng of all debatis and contrauersiis betuex thaim and thare airis in tyme cummyng" especially as to the lands belonging to the late Giles Hay. Alexander Seton binds himself and his heirs never to lay claim to the lands of Culsabbarte, Aynze and Boyne, in return for which renunciation Lord Gordon shall infeft him in 100 merks of the lands of Gordon and Huntly, until he obtain the barony of Tulibody in the sheriffdom of Clackmannan, and also in 40 pounds of the same lands until the Laird of Stobhall shall receive him as tenant in the lands of Drips, etc. George Lord Gordon also shall resign in his brother's favour the lands of Touchfraser, etc. And as to other lands that formerly belonged to Giles Hay mother to Alexander Seton, Kynmondy in the earldom of Buchan, Rate and Geddes in the sheriffdom of Nairn and Fothirty in the earldom of Ross, George Lord Gordon shall further and help Seton in recovering these lands "as he sulde do til his broder and man, and at the said Alexander sall keip his service to the said lorde his brodyr and in lyke vyse the said lorde to kep gude and afald lordschip to hym, as the letters of lordschip and maurent maid betuex thame of before proportis."
Dated at Edinburgh 10 April 1470.

6. Letters by Robert, Abbot of Kelso, Andrew Ker of Cesfurde, John Murray of Cranstoun, Sir James Liddayle of Halkarston, knight and James Ker of Gaitshaw, in which they bind themselves by the faith of their bodies, their heirs, executors and assignees to "a vorschipfull man" John Home, his heirs, etc., in the sum of two hundred merks Scots "for the contract of matrimony to be made betuix the saide Jhone and Mergret the dochter of the saide James Ker" to be paid upon the high altar of St. Nicholas' Kirk in Home, as follows, forty pounds on the completing of the marriage and twenty pounds at each term of Whitsunday or Martinmas thereafter till the whole sum be paid; and if it should happen that John Home be heir to Alexander Home [of that Ilk, afterwards Lord Home] his brother, the granters bind themselves to pay a further sum of four hundred merks, to be paid in termly sums of fifty merks until fully discharged. Dated at Kelso 20 March 1471–2. The five seals once attached are now gone.

7. Commission by King James the Fourth, constituting and appointing his beloved and faithful cousin and councillor Alexander Home of that Ilk, apparent heir of Alexander Lord Home, to be Great Chamberlain of Scotland for the whole time of his life, giving to him full powers belonging to the office. Dated at Edinburgh 7th October 1488.

8. Tack or Lease by Alexander Hume of that Ilk Great Chamberlain of Scotland, in which he declares himself to "have sett and to male lattin, and be thir present letters settis and to male lattis to ane noble and michty lord, Alexander Gordoun, Maister of Huntlie" all and sundry the lands of the Earldom of Garriach, and all and sundry the lands of Strathdon lying within the earldom of Mar and the sheriffdom of Aberdeen, and that for six years from Whitsunday next after this date; which lands are assigned to the granter during the said space

"for the sustentatioun and expenss of a Richt noble and michty lord, Johne Erle of Mar and Garriach" in terms of letters under the great seal; the lands to be held by Lord Gordon for six years, with all their profits, he having power to remove and input tenants. Lord Gordon during the six years is to pay such rents and duties as are contained in the Exchequer Rolls, and he is also during the same period to have the keeping of the Castle of Kildrummy, with power to appoint constables, jailors and other officials, and as payment for this service the Chamberlain assigns to him a hundred merks from the lands, yearly during the six years, as he had formerly for the keeping of the same. Further the Chamberlain leases to Lord Gordon the lands, castle and others, after the issue of the six years for as long as it shall happen to himself to have the same assigned to him for the sustentation of the Earl of Mar and Garriach. With clause of warrandice. Dated at Edinburgh 26 March 1491. Signed by the granter, whose seal is still appended, bearing quarterly, 1 and 4 three papingoes for Pepdie; 2 and 3 a lion rampant for Hume. Crest a stag's head. Legend "S. Alexandri Hume."

9. Acquittance by Alexander Ramsay of Dalwolsy knight and Elizabeth Douglas, his mother, lady of Dalwolsy, narrating that the late Alexander Ramsay of Dalwolsy, father and husband of the granters respectively, held the half lands of Fogo in the sheriffdom of Berwick heritably to him and his heirs under reversion of the sum of four hundred merks Scots, which sum Alexander Lord Hume Great Chamberlain of Scotland has now paid to the granters for the said half lands, and they therefore discharge him of all claims, Elizabeth Douglas adding a special clause of discharge to Lord Hume for all rents due to her from these lands. Dated at Edinburgh 1st July 1494. Witnesses John Ogilvy of Fingask, Robert Douglas of Lochleven, George Hume of Ayton, David Barclay of Cullerny and others. Signed "Alyxand9 ramsay" "Elezebetht douglꝭ of Dolwssy."

10. Letters of Procuratory by Alexander Lord Hume Great Chamberlain of Scotland, appointing Patrick Hume of "Pollart" [Polwarth], Adam Crichton of Ruthven and Patrick Heriot, or one of them to appear for him in the burgh of Dundee on the 24th July instant, there to ask and receive from Alexander Lord Gordon or his procurators a charter of 10*l.* worth of his lands of East Gordon to be given heritably to Lord Home and his heirs, with the usual precept of sasine, the writs to be granted under Lord Gordon's own seal and in proper form; also in Lord Home's name to pay to Lord Gordon 200 merks in full payment of a sum of 300 merks for the alienation by him to Lord Home of the said land, delivering to Lord Gordon at the same time a letter of reversion in the usual form, and also requiring a lease from him to Lord Home of the land in East Gordon, and also of the land apprised to the late Mr. Alexander Inglis Archdeacon of St. Andrews, for 19 years from the date of redemption of the 10*l.* land. With full power to the procurators to act for the granter. Dated at Kilkerran in Kintyre 16 July 1498. Signed "Alex^{r} l. hom."

11. Precept by Patrick (Hepburn) Earl of Bothwell, Lord Hailes and Sheriff Principal of Berwick, etc., constituting and appointing William Sinclar in Morhame, Alexander Lauder of that Ilk, George Haitlie of Brumhill, Charles Murray and George Wedderheid burgesses of Lauder, and any one of them, his very lawful and undoubted Sheriff deputes of the said sheriffdom of Berwick, giving them full power as such to receive the brief or brieves of Inquest from the King's Chancery.

raised or to be raised by Alexander Hume, Great Chamberlain of Scotland, son and heir of the late Alexander Lord Hume by decease of his father, upon the lands and annual rents pertaining to him through that decease, and lying within the sheriffdom of Berwick, and all other brieves whatever that shall be directed to the sheriffs of that sheriffdom or their deputies by Alexander Hume or other person; with full power to decide on such brieves, and otherwise as in due form. At Hailes 29th September 1506. Signed "Patrik Erle off Bothvile."

12. Agreement in the form of an Indenture between Alexander Earl of Huntly on one part and Alexander Lord Hume on the other part, to the effect that if the king should lead a forfeiture upon the barony of Gordon in the sheriffdom of Berwick or on any part of it, because of alienation of the same to Lord Hume, the latter shall deliver an authentic copy of the confirmation which he has got or shall get upon the lands which he holds of the Earl of Huntly in heritage without reversion, and as to the lands held by Lord Hume from the Earl, which are wadset (mortgaged) or under reversion, Lord Hume with the Earl's aid shall use lawful diligence to obtain a confirmation upon these lands that would save them from forfeiture; and if forfeiture be led and the wadset lands are declared to belong to the king, then Lord Hume shall assist the Earl to reobtain the lands from the king in order that the Earl may give them again to Lord Hume under such reversions as at present; and Lord Hume shall not labour in any other way for himself as to these lands in hindering the Earl, but only to have them in wadset as they now are, the Earl having his superiority. And if forfeiture shall be led upon the lands of Gordon and they are declared to belong to the king and if the Earl receive new infeftment thereof, he shall infeft Lord Hume in the lands he now has in the barony as he now holds the same. It is provided that this contract shall not prejudice Lord Hume in his action of warrandice in terms of the charter to his late father, and the parties are bound to observe this agreement under a penalty of 1,000*l.* Scots. Dated at Edinburgh 24 January 1506–7. Witnesses William Scott of Balwery, Adam Creichton of Rothvens, knight, Master James Haliburton, Master John Davyson, Robert Turnbull, and Thomas Haitly. The writ was made in duplicate and this copy is signed "Alex^{r} Erle of huntle."

13. Assedation or Lease by King James the Fourth in favour of Alexander Lord Hume granting to him "oure thre husband landis with thair pertinentis of oure toune of Grenlaw, quhilkis Williame Reidpeth occupyit of befor, lyand within oure erldome of Marche and shirefdome of Berwik" in lease for five years from the date hereof; to be held and enjoyed by him and his subtenants, with all profits, he paying yearly therefor all rents of the lands used and wont according to the king's rental. Given under the privy seal at Dunfermline 16th May 1509. "James R."

14. Charter under the great seal of King James the Fourth, granting to Alexander Lord Hume, his great chamberlain and warden of the east and middle marches of the kingdom towards England, the lands and barony of Hume and Dunglas, with the advowson and right of patronage of the provostry and prebends of the collegiate church of Dunglas, with various other lands and baronies, etc., enumerated, all which were resigned by Lord Hume, and were incorporated by the king into one free barony to be called the barony of Hume, etc. Dated at Edinburgh 4th February 1509–10. The great seal is still attached, somewhat broken [It is unnecessary to give this writ at length, as it is recorded in the

Register of the Great Seal, Lib. xv., No. 163, and is fully noted in the printed volume 1424–1513, p. 729.]

15. Bond of manrent by Thomas Rutherfurd of that Ilk, John Rutherfurd of Hundolee and George Rutherfurd of Hunthill, and each of them conjointly and severally, in which they bind themselves by the faith and truth in their bodies to Alexander Lord Hume "That we and ilk ane of us ar becumin and be thir presentis becumis the saidis lordis men and servandis, and bindis and oblisis us as said is to tak the said lordis afauld trew and plane pairt in all his actionis and querellis leiffull and honest movit or to be movit be him or againis him; and to ryde and gang with him with our kyn and freyndis when and whar it sall pleiss hym againis all that dee and leif may, our allegeance to our souerane the king allanerlie exceptit" etc. in usual form. At Edinburgh 18 May 1516. Witnesses Andrew Ker of Fairniehirst, Master Abraham Creichton and Sir Archibald Rutherfurd. Signed "Thomas ruy?furd of y^{t} ilk." "Johñe ruderfurd hũdole." "George ruy?furd of hũthill."

16. Assedation and lease by George Lord Home, as successor and assignee of George Inglis of Louchend in and to a reversion by the late William Redpeth of Grenlaw for the redemption of 20*s.* worth of land lying in the tenandry of Greenlaw and sheriffdom of Berwick, granting in lease to his "traist frende" Andrew Redpeth, son and heir to the late William Redpeth of Grenlaw, the said 20*s.* land for four years from the date hereof; To be held to Andrew Redpeth, his heirs assignees and subtenants, for a yearly rent of 20*s.* With clause warranting the lands for four years. Dated at Home, 5th November 1525. Witnesses John Home, Robert Trotter, Ralfe Trotter, William Tunno, and James Thomson. Signed "George l. hom."

17. Contract between King James the Fifth and Alexander Master of Hume, beginning "It plesis the kingis grace to contract and appoynt with Alexander Hwme sone and apperand air to George Lord Hwme and fear of the landis and lordschip of Hwme, and the said lord frank tenementar of the samin" to the effect that as the king formerly gave infeftment to Alexander Hume in fee and to Lord Hume in liferent of the lands and lordship of Hume and of all other lands which belonged to the late Alexander Lord Hume brother of George Lord Hume; and had presented them to superiors of other lands, and had given them the offices, etc. belonging to the late Lord Hume, and that for their good service and also for the sum of 2,000*l.* Scots promised by George Lord Hume for himself and his son, of which 1,000*l.* has been paid to the king and 1,000*l.* is owing, "and now his hienes at his perfyte age of twenty five yeiris eftir all reuocatiounes made be him, and remanyng of the samyn gude mind beneuolence and consideratioun as of befoir, and being of intentioun for the singular wele of the leving and hous of Hwme and affectioun he beris thairto, wills intendis and promittis to contract his hienes dochter naturall borne of Elizabeth Betoun, in lauchfull marriage and matrymony with the said Alexander and failzeing of him be deces, with Andro Hwme his bruthir germane, quhilk failzeand with ony vther that sall happin to succeed heretablie to the said Alexander in the lordschip of Hwme, how sone thai salbe of lauchfull age to contract the said mariage." The king also of new ratifies and gives to Alexander Hume in fee and George Lord Hume in liferent all lands and baronies, etc. belonging or that might have belonged to the said late Alexander Lord Hume or Nicholace Ker his mother; and further promises to infeft Alexander, with George Lord Home and Marion Haliburton his wife, in the said Marion's lands and heritage.

The king shall ratify this writ in the next parliament and shall then also restore the said Alexander and George to all honours dignities and rights of succession, as if the said late Alexander Lord Hume had not been forfeited. The king also remits the sum of 1,000*l.*, due by George Lord Hume and also any sum which may be claimed from him as security that John Hume of Blacader should leave the country, with other similar provisions, including one that the Humes shall not pay too high a rent for the teinds of Kelso. It is also arranged in obedience to the king's wish that as the Humes' lands of Thornton (in Berwickshire) are "commodious" to him, they shall be exchanged for thirty husband lands in feu of Fishwick with fishings &c., in the barony of Coldingham and shire of Berwick. The year of the writ is 1537 but day and month are blank and there is no sign that the privy seal was affixed, and the document is not signed. The contract does not appear either to have been completed or acted upon.

18. Letters by Marion Haliburton second sister and one of the three heirs of the lands and lordship of Dirleton, and "ane of the thre ayris and successouris to vmquhile Walter* lord Haliburtoun & Halsingtoun" with advice and consent of her husband George Lord Home, and also of Alexander Home their son, and Master James Foulis of Colinton clerk register, and Master Abraham Creichton provost of Dunglas his curators, appointing procurators on her behalf to pass and warn John Haitlie alleged possessor of the lands of Mellerstains in the sheriffdom of Berwick to appear in the parish kirk of the burgh of Haddington on 23 March next there to receive upon the high altar the third part of the sum of 116*l.* Scots extending to the sum of 38*l.* 13*s.* 4*d.* Scots for the redemption of the third part of the lands of Mellerstains alienated by the late Walter Lord Haliburton to the late James Whitlaw, in terms of a reversion; and to require John Haitlie to remove, quitclaim and overgive to the granter the said third part, with all charters etc. thereof; also to deliver to Haitlie the sum of 38*l.* 13*s.* 4*d.*, that he may fulfil the reversion, etc. Dated at Edinburgh 26 February 1539–40. Signed "Meryon l. hom," "George l. hom," "Alex^r hom," and by the latter's curators. Seal affixed, but the impression is wholly defaced. [According to an indorsation, warning was duly given to Haitlie on 2nd March 1539–40.]

19. Mutual bond of maintenance between Patrick Earl of Bothwell, Lord Hailes, Crichton and Liddesdale, Great Admiral of Scotland, on one part, and George Lord Home on the other part, as follows; either of the parties "ar bundin and oblist to uther and be the tennour heirof bindis and oblissis ayther of thame to uthiris to assist fortefye ryse supple and concure be thameselffis kyne fryndis and servandis in help and supporting of uthiris in resisting the legeis of Ingland the auld inimeis of this realme at all tymes necessar whene thai sall happin to invaid the samyn; and sall inlikwise ayther of thame be thair selffis kyne freyndis and servandis at thair uter power support help menteyne diffend supple and tak plane parte with utheris in all thair honest and leiffull cawissis actionis querrellis and debaittis quhilkis ony of thame sal happin to haif ado in ony tyme to cum aganis ony persone or personis whatsumevir within the realm or without the samyn, oure souerane lady and hir Gracis authorite allanerly exceptit," etc. Subscribed in duplicate at Haddington 1st June 1545 before James Cockburn of Langton, John

* This is a mistake for Patrick, which was the real name of the lady's father, as appears from a later writ and other evidence.

Home of Coldenknowes, George Brown of Colstoun, Alexander Home, Mr. David Borthwick and other witnesses. This writ is signed by "Patrik Erle Bothwile."

20. Bond of a similar nature between George Lord Home and Alexander Master of Home his son and apparent heir, on one part, and John Abbot of Jedburgh, George Home of Wedderburn, John Home of Coldenknowes, George Home of Ayton, George Home of Spot and George Home his son and apparent heir, John Home of Blacadder, Alexander Home his eldest brother, John Home of Elistoun, William Home of Lochtullo, Patrick Home of Polwarth, George Home of Broxmouth and George Home his eldest son and apparent heir, on the other part that they and each one "sall in all tyme to cum during all the dayis of thair liftymes be trew and afauld kynnismen and freyndis to the saidis lord and Maister" and otherwise in usual form, with special reference to resisting the English, in return for which George Lord Home and his son bind themselves to be "gude trew lord and Cheiff" to the Abbot and the others, who further bind themselves to each other to take each other's part and do "as brethren and kynnismen faithfull and true aucht and suld do to uthiris" for their lives; the whole parties swearing on the gospels to keep this bond. Dated at Linlithgow 4th October 1545. Witnesses, Mr. Abraham Creichton, Official of Lothian, Mr. Alexander Crechton, vicar of Innerwick, Mr. John Hamilton and John Young, notaries. Signed "George l. hom" "Alex^r Mr. Home" "Jhone ab^t of Jed" "George Howm of Wodd?burn" "Jhon howm of Celdenknois" "george howm of atovñ" "George howm of spot" "Jhon howm of blaktt?" "Patrek howm of Polwart" "Jon howm" "Alexander howmē."

21. Gift by Marie (of Guise) Queen Dowager of Scotland, granting the (casualty of) marriage of Alexander Lord Home son and heir of the late George Lord Home, to which she had right by disposition in her favour made by "umquhile Margaret Stewart donatour, haiffand the gift of umquhile ane maist noble and excellent Prince King James the fyft of gude mynde quhome God assolze maid to hir" in favour of Alexander Lord Home himself, for his good service. [The date of the writ has been defaced by decay, leaving visible only the words "fyft yeire" which is presumed to mean the fifth year of Queen Mary's reign, some time before December 1547. George Lord Home is said to have been severely wounded in a skirmish with the English on 8th September 1547, two days before the battle of Pinkie, and to have died not long afterwards. This would agree with the apparent year of this gift, though the following writ appears to contradict the statement, and in an Inventory of Home writs in 1637, the date of the grant is said to be 1550.]

22. Contract between "Princess Marie, be the grace of God Quene Dowriar of Scotland, James Erle of Arrane Lord Hamiltoun &c. tutour to oure Souverane lady, protectour and governour of hir realme, and the rycht honourable Monseigneurs D'Esse, Lieutenent, and D'Oysel, Ambassatour, to the maist Cristin King of France in the parts of Scotland for thame selffis and takand upoun thame the burding for the said maist Cristin king for fulfilling of the conditionis and articulis under writtin and the richt noble and michty lord George Erle of Huntlie Lord Gordoun and Badzenach etc., Chancillare of Scotland, Lieutenent Generall of the north partis thairof and knycht of the maist noble ordour of Sanct Mychaell in France, and the remanent lordis of the

secreit counsale of this realme of Scotland under subscrivand, for thamselffis on that ane part, and the noble and michty Lord George Lord Hume and Alexander Master of Hume his son and apperand air, or that uthir pairt in maner forme and effect as eftir follouis. That is to say that forsamekle as the house and castell of Hume pertenyng to the saidis lord and maister of Hume is ane greit strenth upoun the eist bordouris of this realme towert Ingland and maist able in thai pairtis to keip garesonis and men of weir baith for resisting and invading of out auld Inymeis of Ingland and becaus the saidis Lord and Maister or Hume threw the instant weiris had with oure saidis auld inymeis ar alluterlie hereit and distroyit in sic maner that thai may nocht sustene and keip thair said house and castell in men prouisionis and munitionis as effeiris to the effect foirsaid Regairding nevirtheless thair awne honour and libertie of this realme likeas thai have evir done in tymes bypast, but ony intelligence with oure saidis auld inymeis, of thair awne fre motive will and desire sall deliver to the saidis maist noble princess Quene Dowriar, my lord Governour, Lieutenent, Ambassatour, Chancellare and Counsale forsaidis or ony uthiris quham thai sall pleiss depute in thair names, the said house and castell of Hume, with all and sindry munitionis being within the samyn to be surelie strenthit and kepit be thame baith for resisting and persewing of oure saidis auld inymeis as said is, within dais nixt eftir the day of the dait heirof; For the quhilk causs the saidis Quene Dowriar, my lordis Governour Lieutenent and ambassatour for thame selflis and takand upoun thame the burding for the said maist Cristin King of France, and the said Chancellare and Lordis of Counsale forsaidis for thameselffis ar bundin and oblist and be the tennour heirof bindis and oblissis thame and thair airis be the faithis and treuthis in thair bodeis, the said house and castell being deliverit in maner forsaid. That thai sall restoir and caus the samyn be delyverit agane with all and sundry munitionis that salhappin to be ressauit thairin conforme to the Inventare to be maid thairupoun subscriuit be the hand of the ressavar of the saidis castell and munitionis quhilkis castell and munitionis salbe als gude and sufficient in all thingis at the restitutioun and deliverance as thai war the tyme of the ressauyng of the samyn within twenty dayis nixt eftir the saidis Quene Dowriar my lord Governour Chancellare and Counsale foirsaidis beis requirit be the said Lord Hume or Maister of Hume or thair airis to the restitutioun and delivering of the samyn; and in the meyntyme quhill the said restitutioun and deliverance be maid the saidis Quene Dowriar my lord Governour Lieutenent Ambassatour Chancellare and Counsale foirsaidis sall resaue and caus be ressauit in the said house and castell the saidis Lord and Maister of Hume thair freindis and garesonis to remane and mak dwelling in the west quarter thairof fra the yettis south or in north quarter of the samyn and to have fre ische and entre thairin so oft as thai pleiss to resort thairto for defens of the cuntre on thair awne expensis; provyding alwayes that the warding watcheing and keping of the said yettis of the samyn Castell sall remane alanerlie with the personis to quham it sall pleis the saidis Princess, Lieutenent, Ambassatour, Chancellare and Counsale foirsaidis [to commit] the care and keping of the said house and castell." From this point the writ is somewhat decayed, but the remaining clauses provide that the appointed keepers of the Castle may not molest Lord Home, his son or their friends in any way in possession of their lands, and also that the writ may be registered in the books of Council and Session. Dated at Edinburgh 15 March 1548–9. Signed "Marie R." "James G." "Huntly."

MSS. OF THE EARL OF HOME.

23. The following is a somewhat curious protest made by certain parties in regard to their signing a contract to which Alexander, Lord Home, objected, but as the Protest is without date, it cannot be clearly connected with the previous writ, but may refer to it. "We Robert Maister of Erskin, Schir Johnne Campbell of Lundy Knycht and Maister Johnne Bellenden of Auchnoule Justice Clerk to oure Souerane lady, in the actioun and causs persewit against us be Alexander Lord Hume tuiching the inserting of ane contract allegeit maid betwix the said Alexander Lord Hume on that ane pairte and Mary Quene Drowriar of Scotland and us as cautioners for her Grace on that uthir pairte in the bukis of oure Souerane ladeis Counsale to have the strenth and effect of ane decreit thairof with executorials thairupoun as at mair lenth is contenit in the supplicatioune gevin thairupoun &c., Sayis and allegeis that the said pretendit contract suld not be insert nor yit haif executorialis thairupoune aganis us or ony of us as cautionaris forsaidis because we subscrivit the said pretendit contract and consentit thairto and to the effect and tennour thairof be juste feir and dreddouris that mycht fall in ony constant man, be ressoun that the tyme of the subscriving thairof and diuerse tymis and dayis immediatly of befoir ane nobill and mychty prince James Earl of Arrane Lord Hammiltoun &c. protectour and gouernour of this realme and the said Marie Quene Drowriar heirof requeistit solistit and effectuuslie prayit us to subscrive the said pretendit contract and becum cautionaris for fulfilling of the punctis thairof quhilkis we wald nocht have done without we had been sua requeistit and prayit to do the samyne be the prince and princess forsaid, quhilkis desire and requeist maid be the prince of ony realme is sufficient feir to the subjectis thairof be the commoun law, and ony subject contractand or oblissand thaime at command and requeist of the prince of thair realme nocht uthir wayis contentit to have done it, is haldin to do the samyne be just feir and dreddour that mycht fall on ane constant man ut bene decidit Jasini § quadrupli numero 58 justi de Acti; Attour the said nobill prince tutour and gouernour of this realme and Marie Drowriar heirof the tyme of the making and subscriving of the said pretendit decreit and diuerse tymes and dayis immediatlie of before nocht only requeistit us to subscrive the samin as said is bot inlikwise commandit and chargit us be thameselffis in proper person to perfyt and subscrive the said pretendit contract in all poyntis quhatsumeuir it buir and to tak na regaird of the enormyte thairof and nocht to considder nor wey ony inconvenientis to happin thairthrow, as we wald eschew thair uter indignatioun, certifying us gif we refusit that we suld incur thair uter displessour and that thai suld stand our unfreindis at the uter power in all behalffis and neuer suld have guid mynde and kindenes thaireftir bot suld cuir suffir sic inconvenientis hurt and damnage as thai be thair princelie power or uthir wayis mycht do to us or ony of us in all tyme coming quhilkis just feir and dreddour that may fall on ony constant man, quia non solum mine principis, sed etiam vultus terribilis principis aut potestatis inducit justum metum . . . . whairfor we subscriuit the said pretendit contract be sic just feir and dreddour as mycht fall on (ony) constant man and thairfor incontinent eftir the subscriving thairof and eftir the departing furth of the presens of the said prince and princess, and place, We in presens of ane notare solempnitlie reuokit the samin and thairfor now it aucht nocht to be insert in the said bukis nocht to have the strenth and effect of ane decreit thairoff." Signed J. Scott.

24. Retour of Inquest made before Mr. John Sinclair and Mr. John Preston sheriffs of Berwick, Roxburgh and Selkirk in that part by commission from the queen, by Patrick Hepburn of Boltoun, Alexander Dunbar of Cumnock, Andrew Ker of Hirsel, knight, Cuthbert Wauchope of Nudrymerschal, Andrew Johnstone of Elphinstone, Edward Sinclair of Dryden, William Dalmahoy of that Ilk, George Haliburton of Gogar, David Kincaid of Coates, Robert Ker of Wodheid, Robert Dunbar of Durris, Richard Edzar in Wester Monkrig, Richard Multrare in Brochtoun, John Lowrestoun in Gorgie and Mr. Robert Wynram in Ratho; who on oath declare that Alexander now Lord Hume is nearest and lawful heir of his late father George Lord Hume, in the lands of Stowislie, Grundiston, Harden, Braidley, Hoscotes and Greenwood in the sheriffdom of Roxburgh; the lands of Boswelland in the town of Hume, the lands of Frierness in the lordship of Lauderdale, and three husband lands in Rouchburn, all in the sheriffdom of Berwick; also the office of Stewart of the earldom of March and barony of Dunbar in the sheriffdoms of Berwick and Edinburgh and constabulary of Haddington; the office of bailiary of the churchlands belonging to the prior and convent of Coldingham, with 20*l.* yearly fee, the office of bailiary of all the lands wherever situated in Scotland belonging to the prioress and convent of Eccles, with 5*l.* yearly fee, and the office of bailiary of all lands within the kingdom belonging to the Abbot and convent of Dryburgh, with 10*l.* yearly fee: which lands of Stowislie, Grundiston and Harden are valued at 10 merks Scots yearly and are held in chief of Patrick Earl of Bothwell for service due and wont; the lands of Braidley, 5*l.* Scots yearly value, are held in chief of James Douglas of Drumlanrig, knight, blench for a red rose on 24th June; the lands of Hoscotes worth 3 merks yearly are held in chief of John Lord Borthwick for service due and wont; the lands of Greenwood, worth 40*s.* yearly, are held in chief of — Turnbull of Minto for service, etc.; the lands called Boswellands are valued at 4*l.* yearly and are held in chief of the Abbot and Convent of Kelso for service; the lands of Friernes valued at 3 merks yearly are held of John Sinclair of Herdmanston for service, etc.; the lands in Rauchburn of 40*s.* yearly value are held in chief of Robert Logan of Restalrig son and heir of the late Elizabeth Hume, elder daughter and one of the heirs of the late Patrick Hume of Fastcastle, the immediate superior being David Spottiswood of that ilk, who during his life, lost the superiority by refusing to receive the late George Lord Hume as his immediate tenant in the lands, held for service: The offices of Stewartry, and bailiaries above named are held in chief, respectively from the Crown, and the Priories of Coldingham and Eccles and the Abbacy of Dryburgh: the lands and offices being in the hands of the various superiors by the death of the late George Lord Hume, who died about two years past. Retour dated at Edinburgh 16 April 1551. Eight seals attached. (1) Seal bearing the Hepburn arms, with buckle in base of shield. Legend "S. Alexandri Hepburn." (2) Shield bearing eagle with displayed wings. Legend "S. Roberti Lavder." (3) Shield bearing the three cinquefoils of Hamilton, with mollet in centre. Legend "S. David Hamiltoun." (4) Shield bearing two stars in chief and a crescent in base. Legend "S. Alexandri Youl." (5) Shield bearing three mollets two and one with fess between. Legend "S. Alexandri Purves." (6) Shield bearing three boars' heads, two and one. Legend "S. Iohannis Abyrcrummy." (7) Shield bearing an eagle, displayed, with two heads. Legend "S. Alexandri Aicheson." (8) Shield bearing a portcullis. Legend "S. Iohannis Lidd . ." the

word being defaced. It is of some interest to note that those seals do not bear the name of any of the jurors who are recorded as present.

25. Assignation by Marion Haliburton, Lady Hume, one of the three heirs and daughters of the late Patrick Lord Haliburton of Dirleton, in favour of her son Alexander Lord Hume, of the various reversions following. A reversion by the late Thomas Sinclair to the late George Lord Haliburton of the lands of Highfield until he infeft him in a 10*l.* land in the "Brayis of Louthiane," of date at Edinburgh 2 May 1469: a reversion by Alexander Sydserf of that Ilk of the lands of Arnotflat within Kingstoun for 100*l.* (Scots) with a lease for five years at 5*l.* yearly rent dated at Dirleton 28 September 1505: a reversion by Patrick Grahame son to William Earl of Montrose, to the ladies of Dirleton, Jane, Marion and Margaret, of the lands of Nether Crago for 100*l.* and a five years lease at ten merks yearly, dated at Edinburgh 6th July 1512: a reversion by Walter Boyd of Petkindy to George Lord Haliburton over four merks annual rent of the mill of Abernyte dated at Dirleton 30th November 1492: a reversion by James Scrimgeour constable of Dundee to George Lord Haliburton of the mains and castle of Ballegarno and 11 merks annual rent of the town of Ballegarno for 200 merks, dated at Haddington 24 January 1494–5: a reversion by Alexander Lord Hume to Adam Hepburn, son and heir to Archibald Hepburn of Thorniden, of the lands of Lambdenrig, as to a sum of 64*l.* 16*s.* (Scots) to be paid to the said Adam by George Haliburton, dated at Haddington 10th February 1464–5: a reversion by James Master of Douglas to John Lord Haliburton of the lands of Betshiel for 40*l.*, dated at Haddington 4th December 1449: a reversion by Robert Crichton of Kynneil to George Lord Haliburton of the lands of Auchindowny in the barony of Forgandenny, for the sum of 180 merks and now in the laird of Sauchie's hands, dated at Perth 21 June 1467: a reversion by Sir Thomas Hume to George Haliburton of two ploughgates of land of Lambdenrig, upon 100*l.* and a seven years lease for 5*l.* yearly, dated at Haddington 1st March 1475: a reversion by George Creichton of Blackness to George Lord Haliburton of 6 merks annual of "Culter Chquhair" in Forgandenny, upon 16 merks, dated at Dirleton 20 July 1444: a reversion by James Schaw of Sauchie to George Lord Haliburton of a ten merk land in the town of Abernyte until he receive a ten merk land in Nether Crago, dated at Edinburgh 16 April 1465: a reversion by Walter Haliburton, son of Henry Haliburton of Myrtoun, to George Lord Haliburton of the lands of Mirislesmure and others extending to four husbandlands, until he be infeft in a 10*l.* land in the sheriffdom of Perth, dated at Dirleton 5 May 1470: a reversion by William Lindesay Laird of Rossy to Walter Lord Haliburton, of the lands of Formale in the sheriffdom of Forfar for 189 merks, dated at Dundee 15th August 1417: a reversion by Walter Boyd of "Pyneady" to George Lord Haliburton of four merks annual rent from the mill of Abernyte dated at Edinburgh 10 February 1470–71: and a reversion by James Master of Douglas to John Lord Haliburton of the lands of Howlaws for 500 merks, dated at Dirleton 2 May 1505 [*sic*, but read 1450, cf. No. 200 *infra*]; granting to Alexander Lord Hume, and transferring to him all her right and title to these reversions and obligations, etc. Dated at Edinburgh 28th March 1552. Mr. Alexander Creichton parson of Abbotsrule and others, witnesses. Signed "Maryon l. hom." Only fragments of the seal now remain.

26. Commission by Mary Queen of Scots in favour of Alexander Lord Hume, because she and her mother Mary the Queen Dowager regent of

the kingdom, are certainly informed that their old enemies of England, war having arisen, are about to invade the kingdom, the queen's subjects and lieges, with every cruelty, fire and sword, wherefore for resistance of these enemies and defence of the lieges, the queen appoints Alexander Lord Hume Warden of the Middle and Eastern marches of the kingdom towards England, and Justiciary within the bounds, granting to him full power of convocating the lieges within the said marches, and compelling them to advance as an armed force, as it may seem necessary against the enemy for resistance or invasion: with full authority for the execution of justice and other necessary powers. Dated at Hume Castle 21 October 1557. Signed by the Queen regent. "Marie R."

27. Precept by Francis and Mary, king and queen of Scots, dauphin and dauphiness of Vienne, addressed to the treasurer of Scotland for the time, setting forth that Alexander Lord Hume was ordained "To have and hold within his place and castell of Home in all tymes cuming during his lyftyme, Tuelf hagbuttaris, twa cannownaris and ane capitaine aboue thaime" to remain in the castle to keep it during Lord Hume's lifetime; and ordering the Treasurer to furnish to Lord Hume 75*l.* Scots monthly for the support of the force keeping the Castle. Given under the privy seal at Edinburgh 1st October 1559.

28. Letter by James (Stewart) Earl of Murray etc., Regent of Scotland in favour of Alexander Lord Hume, remitting and discharging to him the rents due by him from lands and steadings in Ettrick Forest held by him in lease from the Crown—these lands having been laid waste and destroyed—and also disponing to him the feu duties payable by him for these steadings for the next ensuing seventeen years. Edinburgh 30th December 1567. Signed "James Regent."

29. Letter of Reversion or Backbond by William Lord Ruthven (afterwards first Earl of Gowrie) acknowledging that Alexander Lord Hume has assigned to him and his heirs two reversions, one of the lands of Arnotflat, and the other of the lands and mill of Nether Craigow, and binding himself and his heirs that Lord Hume shall have as much of the lands and mill named in the reversions as belonged to him before the assignation, etc. At Perth 30th March 1568. Signed "Ruthven."

30. Gift by the Regent Murray to Alexander Hume son and apparent heir of Alexander Lord Hume, bestowing on him the teind sheaves and other emoluments of the churches and parishes of Mains, Murroes, Panbride and Arbirlot for the crop of 1568 and following years, the same being at the Regent's disposal as a part of the property of the Abbacy of Arbroath, through John [Hamilton] Commendator of that Abbey being accused of "barratrie." Edinburgh 23 August 1568. "James Regent."

31. Extract decree of the Court of the sheriffdom of Forfar held in Dundee by Ninian Guthrie of Kingany and James Scrimgeour of Balbuichlie, sheriffs depute, in regard to the edict raised at the instance of Alexander Master of Hume and Alexander Lord Hume his father and lawful administrator for his interest, summoning Andrew [Home] Commendator of Jedburgh, Mathew Hume of Cloichtow, nearest kin to the Master of Hume on the father's side, and Patrick Lord Gray, Robert Gray of Drummaly, Andrew Gray of Donynald and John Gray of Lowe nearest kin on the mother's side, to hear and see curators "ad lites et negocia" chosen by the Master of Hume in terms of the Act of Parliament. Andrew Gray of Donynald appeared by his procurator Alexander

Whitelaw of Newgrange, but the other persons summoned did not appear, and Patrick Ogilvy of Inchmartin and the said Andrew Gray were nominated curators *ad lites* to Alexander Master of Hume, and their appointment ratified by the Sheriffs, George Gray of Mawis acting as security. Decree given 16 February 1570–71.

32. Discharge by James (Douglas) Earl of Morton Regent of Scotland to Andrew Ker of Fawdonside of 5,000 merks Scots, the first terms payment of 10,000*l.* Scots named in the Tack granted by the king and regent to the said Andrew of the lands and possessions of Alexander sometime Lord Hume, for the term of five years. 10th February 1573–4, at Holyrood house. Signed "James Regent." [Another similar payment of 5,000 merks, was made and acknowledged on 26 February 1574–5.]

33. Discharge by the Regent Morton to Andrew Ker, acknowledging receipt of 300*l.* Scots being half of 600*l.* appointed to be paid for the sustenance and expenses of twelve persons remaining in and keeping the Castle of Hume for the king's use, for which sum of 600*l.* to be paid yearly during the regent's will, William Lord Ruthven, John Lord Herries, Patrick Master of Gray, Patrick Ogilvy of Inchmartin and the said Andrew Ker of Fawdonside are become cautioners. Discharge dated Holyrood house 10th February 1573–4. Signed "James Regent." [There are three other similar discharges, dated 22 March and 24 July 1575 and 1st February 1575–6, in favour of Agnes Gray, Lady Home, for the pay of a garrison in Home Castle under the command of James Douglas the regent's "servitor."]

34. Contemporary copy of retour made before Messrs. Edward Henryson, John Marjoribanks and Henry Maccalzane, advocates, commissioned to act as sheriffs of Edinburgh, Haddington, Berwick and Roxburgh, by David Hume of Ninewells, Alexander Haitlie of Lambden, William Redpath of Greenlaw, John Edgar of Weddirlie, George Ethington of Saltcotes, Oliver Edgar of Wester Monkrig, Ninian Spottiswood of that Ilk, Robert Dickson of Buchtrig, Alexander Redpath of Angel-row, John Dickson of Newton, James Cockburn of Chouslie, Robert Dickson of Overmains, John Dickson of Cambis, Alexander Tunnay of Hairheuch and John Dickson of Littlethank, who declared that Andrew [Home] Commendator of the Monastery of Jedburgh is the nearest agnate or kinsman on the father's side to Alexander Home lawful son of the late Alexander sometime Lord Hume; that he is above twenty-five years of age; that he is prudent in his own affairs and fit to administer those of another, and that he is not the immediate successor of Alexander Home, who has three lawful sisters surviving; so by the law of this kingdom the said commendator is found to be tutor to Alexander Home. Done at Edinburgh 30th May 1578.

35. Contemporary copy of retour made before the Macers of the Court of Session and Mr. Edward Henryson, advocate, as sheriffs in that part, by William Lord Hay of Yester, John Lord Herries, Alexander Master of Mar, Archibald Stewart provost of Edinburgh, John Cockburn of Skirling, Andrew Ker of Fawdonside, James Heriot of Trabroun, Alexander Hume of Hunthill (?), John Renton of Billie, Thomas Fawside of that Ilk, Andrew Rutherford of Hundalee, Ninian Spottiswood of that Ilk, David Edington of that Ilk, John Edgar of Wedderlee and John Rutherford of Hunthill, who declare that the late Alexander Lord Hume father of Alexander Hume died last vest and

seized as of fee, at the faith and peace of the king by his pacification, approved by Act of Parliament dated at Stirling Castle 25 July 1578; and that Alexander Hume is the nearest and lawful heir of his father, and of lawful age. Retour dated at Edinburgh 18 August 1579.

36. Retour of Special Service in favour of Alexander Lord Home as nearest and lawful heir of his father the late Alexander Lord Home, in the lands of Dirleton, Haliburton, Home and others named, which have been in the king's hands since the death of the late Lord Home in August 1575. Retour made by Robert Lord Stewart fiar of Orkney, Andrew Earl of Rothes, Patrick Lord Lindsay of Byres, William Lord Ruthven, Treasurer of Scotland, Andrew Lord Stewart of Ochiltree, James Lord of Innermeath, Henry Lord Sinclair, Alexander Master of Mar Captain of Edinburgh Castle, James Seytoun of Tullibody, John Edmestoun of that Ilk, James Johnstone of that Ilk, Patrick Hepburn of Wauchtoun younger, Andrew Ker of Faudonside, Andrew Murray of Balvaird and Gilbert Wauchope of Niddrymerschell; dated at Edinburgh 17 November 1580.

37. Act of Curatory setting forth that Alexander Lord Hume being beyond the age of tutory desired to choose curators *ad lites*, and William Lord Ruthven and Andrew [Home] Commendator of Jedburgh nearest of kin on the father's side, with Mr. Thomas Lyon of Baldukie Master of Glamis, and Gilbert Gray parson of Lindie as nearest of kin on the mother's side, were cited before the lords of Council, and they being present, Lord Hume chose William Lord Ruthven, James Lord Ogilvie, Andrew Commendator of Jedburgh, John Lord Herries, Mr. Thomas Lyon, and Sir Lewis Bellenden of Auchnoull knight, or any two of them, Lord Ruthven being always one, to act as his curators ad lites, and Patrick Creichton of Strathurd and William Ruthven of Baldane became their cautioners. Edinburgh 18 February 1580–81.

38. Instrument of Sasine following on a Crown precept from the Chancery of King James the Sixth (of date 7th January 1580–81) for infefting Alexander now Lord Home as heir of his father the late Alexander Lord Home in terms of the Retour above referred to. The lands enumerated and the yearly rentals are as follow, the liferent of the heir's mother (Dame Agnes Gray) being reserved:—The third part of the barony of Dirleton, including the third of West Fenton, the yearly rent = 53*l.* 6*s.* 8*d.* Scots; the third of the lands and barony of Haliburton, yearly rental = 6*l.* 13*s.* 4*d.*; the third of the barony of Lambden otherwise called Hassingtoun, yearly rent = 3*l.* 6*s.* 8*d.*; the third part of the barony of Segie (in Kinross) rent = 13*l.* 6*s.* 8*d.* yearly; the third of the half of the barony of Ballegarno and Abernyte and the third of the barony of Forgandenny (in Perthshire) yearly rental 37*l.* 6*s.* 8*d.*; the lands and barony of Dunglas, with mill etc. = 40*l.* yearly; the lands and barony of Home with the lands comprehended therein, yearly rental 50*l.*; the lands and barony of Hassendean including Appletriehall, yearly rent 10*l.*; the lands and barony of Howuam-mains, including Over Chatto, Over Crailing and Lyne, yearly rent 10*l.*; the half of the lands of Innerallown (Stirlingshire) yearly rent 20*l.*; the barony of Ewesdale (with lands comprehended) in Dumfriesshire yearly rental, 20*l.*; the lands of Samelstoun (county of Haddington) yearly rent 30*l.*; and the lands of Leyhouse (same county) yearly rent 20*s.*: of all which lands sasine was given in the usual form at the Castle of Home on 9th January 1580–81.

39. Paper entitled "The pointis quhairin the Lord Home and his vmquhile fader that restis with God hes bene verie rigorouslie and vnkyndlie vsit in tyme bigane be the Erll of Anguss and vmquhile the Erll of Mortoun his fadir brothir, and desiris the same to be considirit be the honourable freindis nominat to commoun upoun the controuersies standing betuix thaim. First the grite rigor and extreme dealing usit be the said vmquhile Erll during the tyme of his regiment, toward my said vmquhile fader, ending his lyfe in miserable captiuitie in prisoun nochtwithstanding the procurement and mediatioun of the haill noble men of this realme for his releif upoun reasonable conditiones and fauour shewn to vthiris fallin in the like calamatie, and quhat grite sowmes of money wes payit for ane schort tak of his leving besyde the intrometting and vptaking of diuerse his rentis and gudis, I will omit to mak ony lang or speciall rehersall thairof being sa notourlie knawn to mony. Item the said vmquhile Erll contrar equitie and rasoun causit intromett and vptak the haill fermes of the barony of Broxfield to his use, quhilkis than justlie appertenit to my sister, now Countess of Marischall, be virtew of lauchfull infeftment with confirmatioun dewlie following thairon. Item the tyme of my vmquhile fadir's truble the Erll of Anguss and his tennentis of Cokbrandspeth wrongouslie and without ony maner of ordoure kest doun and distroyit the dyke, callit the park dyke, biggit of ald and standing thir mony yeris for dividing of my propir landis of Dunglass fra the landis of Cokbrandspeth, quhairthrow the tennentis of Cokbrandspeth hes cumit in and revin oute ane grite part of my propir lands of Dunglass and alswa pasturit thair gudis thairon, tending to mak the same propir to the ground of Cokbrandspeth to my grite hurt and skaith. Item the said Erll the tyme of my fadirs truble purchest ane presentatioun and infeftment of his lands of Auld Cambuss quhilk he had pertening to him heretablie haldin in fewferme of the Commendatare and convent of the Abby of Coldinghame, as alswa ane presentatioun and gift of the office of Bailliary of the said Abbay and of the office of Schirefschip of Berwik quhilkis of befoir pertenit to my vmquhile fader heritablie and held courtis efter he was chargit to reposess me thairto. Item the said Erll the tyme of the samyn truble intromettit with the teynd schaves of Cokbrandspeth, quhilkis pertenit to my said vmquhile fader in tak and assedatioun of vmquhile Dame Elizabet Lamb prioress, and convent of the Abbay of St. Bothans and quhairof he wes in possessioun be teynding leding collecting vsing and in spending thairof peceablie diuerse and sindrie yeiris preceding his truble as is notourlie knawn; and the said Erll the tyme of the said truble vnkyndlie purchest ane pretendit tak of the same teyndis of Dame Elizabet Home prioress of the said Abbay, he nor his predecessouris nevir having ony tak title or possessioun thairof befoir the saidis trubles. Item I having just and vndoutit right to the teyndis foirsaidis nocht onlie be tak and assedatioun thairof acquirit to me and my airis be the said Dame Elizabet Home prioress foirsaid and convent thairof, quhairof thair is diuerse yeiris as yit to ryn, bot alswa be rasoun of the pacificatioun grantit unto me and ratifiet in parliament it is ordanit that I suld be reposessit in all landis possessiounes and teyndis quhilkis pertenit to my said vmquhile fader and whairof he wes in possessioun befoir his trubles and I being in possessioun of the saidis teyndis and having led and stakkit the samen in the bernyard whair the samen vsit to be sett, the crope of this yeir lxxxii. and ane pairt of the aittis lying threshen in the berne, the said Erllis servanddis of his causing and command to the nowmer of xx. personis ariuit vpoun the xiiii. day of Februar instant come to the said bern, enterit thairin and be force and way of deid reft

. . [torn] . . furth of the samen the quantitie of eight score bollis aittis and caryit the samen to the tower of Cokbrandspeth . . [torn] . . as it is vnkyndlie and inordinat, sa hes it tendit contrar to my honour and estimatioun quhilk I desire to be considerit." [There is no date appended to this document, but internal evidence shows it was written in or about February 1582–3.]

40. Notarial Instrument narrating that Mr. Patrick Whitelaw of Newgrange, procurator on behalf of William Earl of Gowrie, lord Ruthven and Dirleton etc. the "donatour and haiffand be gift to him his airis and his assignais, of his hienes, the mariage of Alexander now Lord Home" passed "to the personal presens of the said Alexander Lord Home" and there read the Earl's letters appointing him procurator "To offer to the said Alexander Lord Home Lelias Ruthven or Dorathie Ruthven dochteris lauchfull to the said nobill lord being virginis vndefameit of lauchfull age to marie and as pairtie aggreabill to him to that effect or ony of thame" as the letters bear, and in conformity therewith the procurator "offerit to the said Alexander Lord Home the said Lelias Ruthven and Dorathie Ruthven or ony ane of thame as pairteis aggreabill to him in mariage being virginnis vndefameit and of lauchfull age to marie and requireit the said Lord Home to tak and ressaue ony of the saidis twa dochteris in lauchfull spous to him and to compleit the said mariage; Quhilk Lord Home acceptit the said offer and ansuerit he wald gif the said erle of Gowrie ane ansuer." Upon which offer the procurator required instruments from the notary. Done in "the dwellinghous of Williame Hoppringill tailyeour burgess of Edinburgh, foiranentis the salt tron, quhair the said lord was than ludgeit": Witnesses, Patrick Master of Gray, younger, George Home of Spott and others. 31st May 1582.

41. Acquittance by George Earl Marischall, heir and executor to his grandfather the late William Earl Marischall, acknowledging receipt from Alexander Lord Home, Andrew Commendator of Jedburgh and William Earl of Gowrie, of 4,000 merks part of a larger sum promised in name of tocher with Dame Margaret Home the granter's wife, discharging the said parties and their cautioners David Wemyss of that Ilk, Mr. David Lundie of that Ilk, — Cockburn of Skirling knight, and — Lauder of Haltoun knight, of the sum named. Dated at Aberdeen 16 March 1582–3. Witnesses, Robert Commendator of Deer, John Keith apparent of Craig, Robert Innes of Kinkell and Mr. William Davidson, burgess of Aberdeen. Signed "George erll Marschall."

42. Contemporary copy of Decree Arbitral pronounced by William Douglas of Lochleven and George Home of Wedderburn, neutral friends and judges arbitrators, chosen between Archibald Earl of Angus Lord Douglas, Dalkeith and Abernethy on the one side, and Alexander Lord Home on the other, who have agreed to submit to the award pronounced, regarding the rights which either party has or can claim to the teindsheaves of the parish kirk and parish of "Colbranspeth" (Cockburnspath) and regarding other disputes between them. The arbiters having accepted office pronounced decree to the effect that although the Earl of Angus has held the said teindsheaves by title for many years and now has them, and further entered thereto *bona fide*, with "na vnkyndlie mening towards the house of Home bot being sua ordanit be ane decreit arbitrall of his haill freindis, quha alsua hes adjugeit, for the saidis teindscheaves, his proper heritaige of Pittendreich in Murray to Archibald Douglas sone naturall to vmquhile James Erle of Mortoun" yet the arbiters find that the first possessor and "kyndlie

tennant" of the teindsheaves was Alexander the late Lord Home, and therefore though the present Lord Home has as yet no title to the teindsheaves of Cockburnspath, they ordain Lord Angus to give to Home the just half of the profits of the teinds by disposing to him his right over the teinds of the lands of Hoprigs, Foulfurdleys, The Clovays and both the Shiells, the Earl renouncing his rights over these in favour of Lord Home; and in regard to the remaining teindsheaves in the parish, because they grow upon the Earl's own lands and intromission with them by other persons might cause "ane elest" or quarrell, the arbiters decern that he and his heirs may have full intromission with such teindsheaves, paying however out of the same so much yearly to Lord Home, the latter on the other hand relieving the Earl of the yearly duty payable to the Prioress of St. Bothans. The arbiters further decern the parties not to seek "vnkyndlie" possession of each other's holdings, and also to discharge each other of all disputes between them. It is also ordained that the parties find security, and that Lord Home shall ratify this decree on reaching his majority. The submission by the Earl of Augus and Lord Home was dated 3rd August, and this award is dated 5th August both in the year 1586. Witnesses to the decree at Edinburgh, James Pringle, William Schaw younger of Lathangy, William Douglas son to John Douglas of Kennyston, and Mr. David Rutherford.

43. An account of drapery goods supplied to Lady Home (Lady Christian Douglas) by John Robertson merchant, burgess of Edinburgh. 1589–90.

The account begins on 14th March 1588–9 and is continued at intervals to 18 August 1590. A few of the entries may be given to indicate the character of the whole.

Item in the first ii. ellis of fyne blak welwet to be your ladyships slevis at xii. lib. [Scots] the ell - - xxiiii^{li} 0 0
Item iii. ellis blak craip of silk at xxiiii/ ell - - iii^{li} xii/ 0
Item half vnce blak silk - - - - - viii/
Item mair ii. do. [dozen] fyne braid florans ribans blak at xi. do[zen] - - - - - - iiij^{li} 0 0

The sum of these and other entries on 14th March 1589, amounts to £38 2/ 6^{d} Scots which is vouched under Lady Home's own signature "Cristane lady home."

On 14th April 1589, there is "delyuerit at your ladyships command to your ladyship's tailyeour and to George Hoyme 15 ellis fyne blak stekit silk taffatie to be ane goune to your ladyship at iiii^{li} xv/ ell, summa - iii^{xx}xj^{li} v/ 0
On 17th April Lady Home's tailor, Peter Sanderson receives "ane vnce half vnce blak wattene passementis at xxiiij vnce - - - - - xxxvi/ 0
On same day "Item for iii. ellis half ell of burret to eik out the burret goune [bought on 14th] at xxx/ ell - v^{li} v/ 0
Mair 8 ellis of worsat rubans to the taillis of the goune at xii^{d} ell - - - - - - viii/ 0
Item for tua ellis of blak gray to mak one front and steiffing to the schulderis - - - - xx/ 0
Item the 14 day of May 1589 delyuerit to Georg Hoyme vij. ellis grene Inglis stemen to be the paig claythis at xlv/ ell. Summa is - - - - xv^{li} xv/ 0
On 7th June 1589 there was delivered to Peter Sanderson "3 vnce les tua drop vycht of fyne blak sarg passementis at xxiiij/ vnce - - - - - 3^{li} 9/ 0

Item mair ane vnce half vnce les ane drop vycht of blak silk at xvi/ vnce - - - - - - xxiii/ 0
"3 vnce of sarge passementis to end out the goune and be stidingis to the slevis at xxiiii/ vnce, summa - iij^{li} xii/ 0
Item the third day of November 1589 delyuerit at your ladyships command to Dauid Lyoune tailyeour [on margin "to be your sone ane coit"] in the first vj. ellis half ell of fellemort fassit taffaty at v^{li} ell. Summa is - - - - - - - xxxij^{li} x/ 0
Item mair [to be Agnes Hoyme ane goune] vj. ellis half ell half quarter of gray Inglis stememe at xliiij/ the ell - - - - - - xiiij^{li} xvii/
Item mair ane ell of orang figoret taffaty to be slevis to your ladyships sones coit cost the ell - - - vij^{li} 0 0
Item mair to him also tua vnce half vnce of blak cordones of silk and blak silk at xx/ the vnce. Summa is - l/ 0
Another entry is "half ane pund of kaddes cost - x/ 0
Also "xx. gros of greit hornis to the goune (on 7th June) at vj/ viii^{d} the gros - - - - vi^{li} xiii/ iiii^{d}
On 4 November 1589 "ane quarter half quarter vnce of blew and orang silk - - - - - ix/ 0
Item . . . sex dussone of buttones, thre dussone of thame orang, the vther blew and reid at xl^{d} the dussone xx/ 0
Item for half ane hundreth greit claspis - - - ii/ 0
The whole amount of the account is £319 19/ Scots.

44. Obligation by George Home of Wedderburn, Alexander Home of Hutounhall, Alexander Home of North Berwick and John Cranstoun of Moreistoun, binding themselves to obtain for Alexander Lord Home a nineteen year tack of ten chalders of victual to him and his heirs in such form as he shall think good, or else a gift or casualty as good as the tack of victual, and that within a year after date; failing in which they bind themselves to pay and deliver to Lord Home the ten chalders victual yearly until the foresaid tack or gift be obtained. Providing that the parties shall not be bound to continue such payment to the heirs or executors of Lord Home without special assignation or disposition. Edinburgh 25 August 1591. Signed by the parties.

45. Letters of Procuratory by Alexander Earl of Home Lord Jedburgh and Dunglas &c. appointing his "daylie servitor" Andrew Kneland his procurator, giving him power to appear for Lord Home in the parish kirk of Edinburgh called St. Giles on 17th December instant, there to deliver, or consign in case of refusal, a rosenoble of gold, good weight and current in Scotland, to Sir John Home of Northberwick knight, Gavin Home of Johnscleugh and Alexander Home, eldest lawfull son to Mr. Adam Home parson of Polwarth, who are heirs male or apparent heirs male and successors to Alexander Home of Northberwick, and pretended heritable possessors of the lands under named, for redemption from them of the lands of Thornton with manor place, mill etc. in the constabulary of Haddington and Sheriffdom of Edinburgh (and by annexation in the Sheriffdom of Renfrew) which had been alienated by the Earl to the said Alexander Home under reversion for payment of a rosenoble; and to require the said parties to fulfil the reversion, etc. Dated at Home 15th December 1605. Captain Thomas Tyrie and others witnesses. Signed "Æ. home."

46. Extract Decree by the Lords of Council and Session in regard to the summons raised at the instance of Alexander Earl of Home,

Lord Jedburgh &c. against Walter Scott of Tushilaw and Robert Scott his eldest son, born between him and Elizabeth Gledstanes his wife, narrating that in September 1597 the pursuer agreed with Walter Scott and his son for the alienation of Lord Home's lands of Caucrobank in the lordship of Ettrick Forest and sheriffdom of Selkirk, to Walter Scott in liferent and to Robert Scott and his heirs male, etc. under reversion, redeemable for the sum of 400 merks, upon which a charter was framed by the Earl's solicitor and brought by Walter Scott to the Castle of Home where it was signed by the Earl and delivered by him to Scott and his son, who as they could not write, promised to procure the signatures of two notaries to the reversion, a promise which was renewed, but on hearing the case and referring the matter to Walter Scott's oath of verity, the Court acquitted him of the promise, leaving Lord Home to pursue the other defender. Edinburgh 23 December 1609.

47. Discharge by Lord Jedburgh [Sir John Ker] in favour of Alexander Earl of Home of the sum of 1,440 merks Scots received on account of Elesoun or Alison Ker the granter's daughter, part payment of a sum of 42,000 merks contained in an obligation made by the Earl and his cautioners in favour of the said Alison. Discharge written and signed by the granter at Jedburgh 10th October 1611. Signed "Jedbrut."

48. Contract between Alexander Earl of Home and Sir William Cockburn of Langton, in which the former agrees to assign to the latter a charter granted under reversion of 10,000*l.* Scots by James Maitland of Lethington to Earl Home of the lands of Simprin, Sir William Cockburn in return agreeing to dispone to Lord Home the lands of Upsetlingtonshiel granted to Sir William by John Auchincraw there under reversion of 6,000 merks, with other 9,000 merks in money. Reserving to the Earl and Sir William Cockburn the crop for this year, 1616, of the lands of Simprin and Upsetlingtonshiel respectively. Dated and signed at Hutounhall and Langton 26 February and 13 March 1616. Witnesses Alexander Home, son to Sir James Home of Eccles, Mr. Alexander Home minister there, Mr. Samuel Home brother of Sir John Home of Hutounhall, and others.

49. Obligation by Alexander Earl of Home, etc., binding himself and his heirs, to give to his servant Robert Douglas for good service, yearly and termly during his life the teinds of Fogo, with the silver rent paid yearly, that he has been in possession of for ten years past "togither with the teind peis of Cokburnspeth I did also alowe him for bying of bootis, and if my wyff sould meddill with the samyne to satisfy him for thame yeirly during his lyftym as thay shall best accord." The Earl also leaves to Douglas the keeping of his house of Hirsel, with 30 bolls of oats, he paying yearly therefor to the Earl's son a "cuppell off sufficient fyn houndis as he and my son can best accord, and the oitis to be payit out of the teindis off the Hyrsall as also ane hundreth thraiffis off ait strawe. I do also leiv to him the fourty peces of dowbill angellis he did delywer to Sir Thomas Fairfaxe of Gylling for ane horse and at his owin sight to chuse whither he think the horse or the mony the better and taik whichever off thame he will for his best commodity. I do also geive him frely the twenty four peces my Lord Montgomery is debtfull to me, to dischairdg sum lyttil bussines I hav apoynted him." The Earl also gives freely to Douglas all the suits of clothes and cloaks of the Earl's in his custody that he may dispose of them to his profit. The Earl concludes "Last of all by this my bond of fre gift my will is,

suchevir doggis as ar at hom in my house be keipt togither and that he [Douglas] will be cairfull to se my sone ane huntsmane till God bliss him farder in yeiris." Written and dated at Channel row the 18th of February 1619. Signed A. E. Home.

50. Signature under the Cachet of King James the Sixth for a charter to be passed under the great seal granting to James now Earl of Home, son and heir of the late Alexander Lord Home, the lands of Hirsell, as described, lying in the sheriffdom of Berwick, with fishings etc., also the mill called Fyreburn mill and the mills of Coldstream wasted and destroyed in time of war, with power to rebuild the same, etc. Which lands, mills etc., were held heritably in feufarm by Sir John Ker of Jedburgh knight, and were resigned by him, with consent of his spouse Margaret Whytlaw and of Mr. William Ker of Mylnrig his son for their interest, in terms of a Contract of Excambion made with the late Alexander Earl of Home on 6th, 20th and 23rd days of June and July 1611. To be held the said lands and others to James Earl of Home of the king and his successors, paying yearly 60*l.* Scots in name of feufarm. Dated at Edinburgh 28 June 1621.

51. Agreement between the Countess of Home [Mary Sutton] on one part and Robert Scott of Headshaw on the other part, to the effect that the Countess for herself and taking burden for her son the Earl of Home, consents that Robert Scott shall enter to and possess the lands of Hartwoodburn for one year from Whitsunday last, paying a rent to the Earl for the year of 600 merks, the Earl obtaining a decree of removing against Sir Robert Scott of Haining and his tenants conform to warning; providing that, if the Earl fails to procure such decree, then 200 merks is to be deducted from the 600 merks of rent. It is further agreed that Lady Home shall use her influence with the Earl to procure for Scott a three years' lease of the lands from Whitsunday next at 600 merks yearly. Dated at Edinburgh 26 July 1622. William Lord Keith Master of Marischal, and others witnesses.

52. Certificate declaring that Alexander Earl of Home is sworn and admitted one of the Gentlemen of the Privy Chamber in Ordinary to King Charles the Second with all privileges belonging to the office, including freedom from arrest without the leave of the Lord Chamberlain. Given under the hand and seal of Henry Earl of St. Alban, Lord Chamberlain of the Household, 11th December 1671.

Section II.—Old Charters and other Documents still in the Charter Chest at Hirsel, relating to Lands formerly possessed by the family.

Lands of Auldcambus.

53. Letters by Nicholas of Wardlaw appointing James of Parkle and others his procurators for resigning his templar lands, held of the Master of the order of St. John of Jerusalem of Torphichen, lying in the town and territory of Aldcambus in the barony of Coldingham and sheriffdom of Berwick, into the hands of his overlord Friar Andrew Meldrum Master of Torphichen, with full powers, &c. The granter, because his seal is unknown to many, procures the seal of Sir David of Home [now wanting] in addition to his own [also wanting]. Witnesses William Towers of Inverleith, Sir William Hall, rector of Hutton, and others. At Cockburnspath, 30th December 1438.

54. Precept of Sasine by William Drax prior of the House (domus) of Coldingham for infefting Sir Alexander Home of that Ilk, knight, in a tenement with certain lands adjoining, in the town and territory of Aldcambus, which tenement had been in due form resigned by Nicholas of Wardlaw. Dated at Coldingham 8th November 1440. Seal gone.

55. Tack or Lease by John [Maitland] Commendator of the Abbey of Coldingham, granting to Alexander Lord Hume and Dame Agnes Gray his wife, the longer liver of the two and their heirs, a lease for 19 years of the teindsheaves of the lands of Aldcambus, Reidcleuchs, Piperdene and Wyndelaws extending in all to twenty-four husbandlands, held in feufarm from the Abbey by Lord Home; the yearly rental being 40 merks. With clause of warrandice and a provision that if war arise between England and Scotland before the issue of the lease, so that Lord and Lady Home cannot realise the teindsheaves and profits, then the lease shall run as many years after the war as the rents fail during the time thereof. Dated at Coldingham 27 March 1568. Signed by the Commendator and six of the Convent. Seal attached, showing Virgin and Child, but much defaced.

56. Charter by Alexander Lord Hume, granting, in terms of an antenuptial contract betwixt them, to his wife Dame Agnes Gray, for her liferent use, the lands of Aldcambus, Reidcleuchs, Piperdene and Wyndelaws in the barony of Coldingham and sheriffdom of Berwick. To be held in feufarm of the Abbey of Coldingham for a yearly feuduty of 20*l.* Scots. Dated at Fastcastle 3rd May 1568. Witnesses James Cockburn apparent of Chowsley, Gilbert Gray provost of Foulis and George Gray of Mawis. Signed Alex^{r} L. Home. Seal attached. Shield bearing, quarterly, 1st a lion for Home, 2nd three popinjays for Pepdie, 3rd (somewhat defaced—perhaps a unicorn), 4th a bend charged with three maseles, for Halyburton. Over all an escutcheon charged with an orle for Landale. Crest a deer couchant. Legend "S. ALEXANDRI F. D$\tilde{\text{N}}$I DE HOVME."

57. Charter by John [Maitland] Commendator of Coldingham confirming the preceding grant to Lady Home. Dated at Coldingham 1568, day and month blank. Signed by the Commendator, etc. Seal attached somewhat broken.

58. Two accounts of Intromissions by William Craw, chamberlain of Aldcambus for the years 1596 and 1597, on behalf of Alexander Lord Home and Christian Douglas Lady Home. These accounts contain the charge and discharge, of the wheat, barley, and oats grown on the lands of Mains of Aldcambus, with other produce, and record all payments for working and other expenses, made either in grain or money for these years. None of the entries merit special notice here, though one or two details might be interesting to a local antiquary.

Connected with these may be noticed—

59. An account of Intromissions with the rents of the Earldom of Home for the crops of the years 1630, 1631 and 1632 or from Martinmas 1631 to Martinmas 1633. The most of the entries in this account are not of great public interest, but the following facts may be noted.

The Scottish Convention of Estates having on 28 July 1630 made a subsidy to King Charles the First of 30*s.* on each pound land, the earldom of Home was assessed with other estates, the sum being payable in four terms or half years. We find from this account that for each term, the Priory of Eccles paid 172*l.* 4*s.* 5*d.*; the Provostry of Dunglas

27*l.* 10*s.* 4*d.* ; the parsonage of Chirnside 20*l.* 13*s.* 4*d.* ; the parsonage of Upsetlington 20*l.* 13*s.* 4*d.*, all these ecclesiastical lands being in possession of the Earl of Home. On the "Erldome of Merch" he was charged (under deduction of Cotfields) 264*l.* 8*s.*

For the same period the Earl paid for the lordship of Haliburton 22*l.* 10*s.*, also for Gordon, Huntly and Fogo 300*l.* all Scots money. The Earl however obtained relief of part of the sums thus paid.

The Earl of Home (James, second Earl) went to England, apparently to Court, in the end of the year 1631, and after that date, there are frequent entries relating to the changing of money and procuring "gold" to send to him in London, the money being conveyed by servants sent up, and on one occasion by the Countess his mother who also went to London. Thus on 1st June 1632, she received in "ane purse sealed wp" to take to the Earl 1,244*l.* 13*s.* 4*d.* all in gold, the sum paid for changing it being "xviii. twelfe pound peices att viii*s.* the peice, and iii^{xx}xvii. doubell angells att vi*s.* viii*d.* the peice"=32*l.* 17*s.* 4*d.*

Two days before, the sum of 2,229*l.* 6*s.* 8*d.*, was sent up by another hand "all in gold" also composed of 12*l.* pieces and double angels. The latter coin was sometimes valued at 8*s.* by the money changers, as 2*l.* was paid for five double angels paid on 16 February 1632 as a lawyer's fee, which amounted in Scots money to 66*l.* 13*s.* 4*d.*

Several entries in the account shew that the second Earl of Home also took an interest in sport, and on one occasion his horses and dogs were sent up to London. The entries relate to the care bestowed on hounds and horses, and an animal named "Sweepstakes" apparently a horse, had a special attendant.

The Earl of Home died in 1633, and his eldest sister Margaret Lady Doune, afterwards Countess of Moray was served heir to him in certain lands. The sheriffs fee on the occasion of giving her sasine, paid in lieu of the old casualty of the sasine ox, was fifty merks.

There is another account of rent Intromissions for two years and a half 1667–1669, but it contains nothing worthy of special notice.

Lands of Aldcathy.

60. Instrument of Sasine setting forth that in presence of the subscribing notary and other witnesses James of Parkle laird of that Ilk and sheriff depute of Linlithgow inquired of Robert Nicholson [Nicholai] the king's mayor of fee within the sheriffdom if the king's mandate for sasine directed by letter to his bailies had been implemented —the tenor of which was a precept by King James the First (dated at Edinburgh 23 October 1436) following on a retour of service of Mariota, Beatrice and Christian of Lauder, sisters, as nearest and lawful heirs of their grandfather the late Robert of Lauder, knight, and commanding the sheriff of Linlithgow &c. to infeft them in the late Robert's lands of Aldcathy in the shire of Linlithgow, held in chief of the baron of Kynneil, that barony being then in the king's hands by reason of ward: To which inquiry the mayor replied and affirmed on oath, that at the capital messuage of the lands he had duly given sasine to James of Rutherford laird of that ilk, and Alexander Hume laird of that ilk as attorneys for the ladies. These things were done in the market-street of the burgh of Linlithgow at 6 p.m. on 11th December 1436. Witnesses Thomas Malvil, Alexander Hathwy, William Young of Walterston, John Ranaldson and John Adamson of Pardovan, Robert Andison of Aldcathy, John Gibson, serjeant, James of Parke, Simon Michelson and Patrick Robinson.

Lands of Arbirlot.

61. Charter by Sir Alexander Home of that ilk, knight, and Alexander Home son and heir of the late Alexander Home son of the said Sir Alexander, granting to their kinsman Thomas of Home of Crowdy, their whole lands of Aberillot [Arbirlot], Newton, Cuthlie and their quarter of the mill of Arbirlot, lying in the barony of Rescobie and Sheriffdom of Forfar, in free exchange for his lands of the baronies of Crailing Hownam, and his lands of Swynset belonging to him of hereditary right by the death of his mother the late Elizabeth Lauder, lying in the sheriffdom of Roxburgh: To be held the said lands of Arbirlot and others to Thomas Home and his heirs of the bishop of St. Andrews and his successors for 25*s.* yearly of annual rent in name of feufarm. Charter dated at Home 30th July 1468. Witnesses Alexander of Cockburn son and apparent heir of Alexander of Cockburn of Langton, George Lyle of Stanypath, David Home of Spott, Archibald Hepburn, burgess of Haddington, Thomas Forman son and apparent heir of Nicholas Forman of Hutton and others. Two seals appended — the first, bearing quarterly 1 and 4th a lion rampant for Home; 2nd and 3rd three popinjays for Pepdie of Dunglass. Supporters two lions — Crest on a coronet over the helmet a deer's head. Legend "S. DÑI ALEXANDRI HUME." The second seal bears the same quarterings, with the addition of an escutcheon over all (defaced, but probably an orle for Landale) shield plain—no crest, helmet, or supporters. Legend "S. ALEXANDRI HOUM."

62. Charter by Henry Wardlaw of Torry, superior of the fourth part of the lands of the lordship of Abbirrillot (Arbirlot) granting and confirming to Sir Alexander Home of that Ilk, great Chamberlain of Scotland, three quarters with a half quarter of a fourth part of the whole lands of Arbirlot in the barony of Rescobie in the sheriffdom of Forfar, which lands had belonged to Robert Harwar and were formally resigned by him, at Linlithgow: To be held the said lands to Sir Alexander Home in fee and heritage. Reddendo, services due and wont. Charter dated at Linlithgow 30th November 1490. Witnesses, Sir James Liston, James Bonar, Stephen Brounfield, David Vallanche and others. Seal attached, shield, bearing three masles two and one, legend defaced.

63. Precept of Sasine by the same Henry Wardlaw, directing David Ogilvy of that Ilk, John Ogilvy his son and apparent heir, Alexander Hay of Gurdy; John Hering of Wormet, John Duly of Essindy or Richard Law, to act as his bailie to infeft, in terms of a charter, James Hering of Tullibole, in the lands of Arbirlot, Croudy, Newton, Cuthlie and the mill, in the sheriffdom of Forfar, resigned by Robert Harwar. Precept dated Edinburgh 14th February 1490–91. Signed "Henry Wardlaw off Torry, etc." Seal attached.

Lands of Bedshiel.

64. Charter by King James the Second granting to his sincerely beloved brother James Stewart [afterwards Earl of Buchan] the whole lands of Betschele [Bedshiel] within the sheriffdom of Berwick, now in the king's hands by the forfeiture of the late Mark Haliburton. To be held in fee and heritage of the Crown for a red rose at midsummer. Charter dated at Edinburgh 31st March 1457. Witnesses, George Bishop of Brechin, Chancellor, Patrick Lord Grahame, John Lord

Darnley, Robert Lord Boyd, James of Livingstone of Calendar, great chamberlain, William Murray of Tullibardine and Ninian Spot comptroller. Signed by the King "James R." and having the great seal appended. [This charter is not in the extant Record of the Great Seal.]

65. Charter by Alexander Duke of Albany, Earl of March, Lord of Annandale and Man [brother of King James III.] granting to his uncle Sir James Stewart of Uchterhouse knight [same grantee as preceding writ] the lands of Bedshiel above described: To be held of the granter and his successors. Charter dated at the Duke's Castle of Dunbar 10 March 1469–70. Signed "Alexāder Dwk of Albany, &c." Seal attached somewhat broken. Shield bearing quarterly, 1st, Lion in double tressure, 2nd, Lion rampant with bordure of cinquefoils, 3rd, the three legs of Man and 4th, Saltire and Chief for Annandale. Surmounted by a ducal coronet. Supporters two bears muzzled, gorged and chained. Legend imperfect.

66. Charter under the great seal of King James the Fourth granting to Alexander [second] Lord Hume, great chamberlain of Scotland, the superiority of the lands of Bedshiel, resigned by James Stewart Earl of Buchan, at Dundee. Charter dated at Edinburgh 24 June 1494. [Recorded in Register of Great Seal, Lib. xiii. No. 136.] Other documents in the Home charter chest relating to Bedshiel are (1) Instrument of Resignation of the Superiority by James Stewart Earl of Buchan. Dundee 24 July 1490. Witnesses Archibald Earl of Angus, Laurence Lord Oliphant, Matthew Steuart, son and heir apparent of John Earl of Lennox, James Ogilvy of Airlie and Henry Wardlaw of Torry. (2) Precept by the king directed to Adam Crichton of Kippendavy and others to infeft Lord Home in Bedshiel. 24 June 1494. (3) Instrument of Sasine following thereon, of date 27 August 1494.

The Sheriffship of Berwickshire.

67. Charter under the great seal by King James the Sixth with consent of James Earl of Murray, Regent, granting to Alexander Lord Hume, warden of the Eastern marches of Scotland towards England, and the heirs male of his body whom failing to his heirs male whomsoever, the office of the Sheriffdom of Berwick with the office of bailiary of Lauderdale over and within the customary bounds and over all their inhabitants, which were enjoyed in times past by James formerly Earl of Bothwell or his predecessors, sheriffs and bailies of the said sheriffdom and bailiary; the said offices being in the king's hands by the forfeiture of the said Earl, to whom they belonged heritably: To be held the said offices with all their powers to Lord Hume of the king and his successors for due administration of justice, and rendering an account yearly to exchequer. Dated at Edinburgh 26 December 1567. Fragment of great seal appended. An indorsation on the deed narrates that Lord Home appeared before the Privy Council on 16 January 1567–8, accepted office and gave his oath de fideli administratione.

68. Precept of Sasine following on the above charter for infefting Lord Home in the offices of Sheriffship of Berwick and bailie of Lauderdale. 26 December 1567.

69. Instrument of Sasine in terms of the said precept, narrating that infeftment was given to Lord Home's attorney by the delivery to him of staff and book. Done on 9th January 1567–8 in the courthouse of

the burgh of Lauder and on the 11th and 12th in the church [templo] of Langton and at the market cross of Duns respectively, as the usual places for holding courts of the sheriffdom and bailiary.

70. Resignation by Ludovick Duke of Lennox etc., with consent of John Lord Thirlstane, Chancellor, and Walter Prior of Blantyre, resigning the office of the sheriffship of Berwick into the hands of the king in favour of Alexander Lord Home. At Edinburgh 2nd August 1592. Signed "Lenox," "Thyrlstane," "Blantyre." [Following on this is a precept of sasine under the quarter seal in favour of Lord Home. At Holyrood house 2 October 1592.]

71. Signature under the sign manual of King Charles the First (countersigned by the Earl of Lanark) for a grant under the great seal to James Earl of Home to be sheriff principal of the sheriffdom of Berwick. Given at Oxford 9th April 1643.

72. Signature under the sign manual of King Charles the Second granting the same office to Alexander Earl of Home [son of James Earl of Home] with all privileges ; the said office being redeemable by the king for the sum of 2,000*l.* sterling. Countersigned by the Earl of Lauderdale. At Whitehall 12th March 1667.

The Lands of Bogend and others.

73. Charter by James [Stewart] Commendator of Kelso, John Abbot of Lindores, coadjutor and administrator of the Abbacy of Kelso, with consent of the convent and also of King James the Fifth (father of the Commendator) granting to Mr. David Borthwick son and heir of the late David Borthwick burgess of Haddington in feufarm the 53*s.* 4*d.* lands of Bogend, 20*s.* lands of Fogorig, 4*l.* lands in Gordon 40*s.* lands in Mellostains, 40*s.* lands in Nenthorne and 30*s.* lands in the town of Newton, extending to 13*l.* 3*s.* 4*d.* lands in the sheriffdom of Berwick : To be held to the grantee in feufarm and heritage of the Abbey of Kelso for a total yearly feuduty of 18*l.* 9*s.* 4*d.* Scots and other dues. Dated at Kelso 19th February 1539–40. Signed by the king and the granters "James R." "Jacobus cōmendatarius de Calco" "Johanes Admīstrator de Calco" and apparently by 21 members of the monastery. Two seals of the monastery and a fragment of the king's privy seal attached.

74. Extract registered Contract between George Lord Home on the one part and Mr. David Borthwick burgess of Haddington on the other part, by which the latter agrees to sell to the former 4 merks worth of land of the Bogend, with 6 merks worth in West Gordon and 20*s.* worth in Green-rig in the sheriffdom of Berwick, and to infeft Lord Home in liferent and Alexander Home his son in fee in these lands, held of the Abbey of Kelso ; in return for which Lord Home agrees to pay Borthwick 280 merks Scots. Dated at Edinburgh 23 March 1540–41.

75. Charter by Mr. David Borthwick of Aldingstoun, feuar of the lands underwritten, granting and feuing to Alexander Lord Home and Dame Agnes Gray his spouse the lands of Bogend and others described in No. 74 *supra*. To be held, for the same feuduty, of the Abbey of Kelso. Dated at Edinburgh 8th December 1569, James Cockburn younger of Chouslie being among the witnesses. Signed "Maister Dauid borthuick w^{t} my hand &c." Seal attached, slightly defaced, the shield bearing the three cinquefoils of Borthwick with something

like a boar's or dog's head between. Legend "S. M. DAUID BORTHUIK DE LOTHIL."

The following writ also apparently refers to part of the lands dealt with in the foregoing charters :—

76. Letters of Confirmation by James (second) Earl of Home with consent of his mother and other curators, ratifying a Charter dated at Edinburgh 22 July 1622, by James Fairbairn portioner of West Gordon, with consent of his spouse Jean Preston and his son Henry Fairbairn, granting and alienating in terms of an Obligation dated July 1622, to Mr. Archibald Halden brother german of James Halden of Glenneagles, the 4*l.* kirklands of West Gordon, with the marsh of "Abbot's moss," in the sheriffdom of Berwick as formerly occupied by the late Henry Fairbairn the granter's father, and George Fairbairn; To be held of the Earl of Home for a penny yearly if asked, and paying yearly 4*l.* to the Abbacy of Kelso. Letters of Confirmation which reserve to the Earl of Home the right of redemption, dated at Edinburgh and Canongate 20th and 25th July 1624.

LANDS OF BRAIDLEY.

77. Charter by William Douglas of Drumlanrig knight and lord of the barony of Hawick, granting and selling to Alexander Lord Home great chamberlain of Scotland, the lands of Braidlie in the barony of Hawick and sheriffdom of Roxburgh. To be held of the granter and his heirs for a blench duty of a red rose at Midsummer. Dated at Jedburgh 14th January 1512–13. Witnesses, Andrew Ker of Fairneyhirst, Andrew Macdowall of Mackerstoun, William Maitland, William Scot, David Routlege and James Blair. Granter's seal appended. Shield bearing quarterly, 1st and 4th, three stars in chief with heart (uncrowned) in base, for Douglas; 2 and 3 a bend between six cross-crosslets for Mar. Legend "S. WILELMI DOUGLAS." [This Charter was followed by a precept of sasine of same date, also with seal attached.]

78. Precept of Sasine by James Douglas of Drumlanrig directed to his bailies, narrating that George Lord Home had presented to him a royal precept in the third form under the quarter seal requiring sasine to be given of the lands of Braidlie, which the late Alexander Lord Home, brother german of George Lord Home, held of the granter as superior, who therefore directs sasine to be given to George Lord Home. Precept dated at Edinburgh 19th March 1523–24. Seal of granter appended, containing a curious specimen of bad heraldry. The shield bears quarterly, 1st and 4th, three cross-crosslets two and one—no bend; 2nd and 3, three stars on a chief (?) arranged as a fess, surmounted by an uncrowned heart occupying the chief place. Legend "S. IACOBI DOUGLAS" [de Drumlanrig?]

LANDS OF BRIGHAM AND BRIGHAMSHIELS.

79. Charter by King James the Second granting and confirming to William Earl of Douglas, a charter in favour of the latter by John Lord Haliburton, of date at Dirleton 11th April 1450, of the lands of Brighame and Brighameshiels and others described. Charter of Confirmation dated at Stirling 17 May 1450. [This writ is recorded in the Register of Great Seal. Printed vol. 1424–1513, No. 355.]

80. Precept of Sasine by the said William Earl of Douglas &c., directed to Richard of Ethynton [Edington] of that Ilk, Adam Forman

of Hutton, Robert of Airth and Alan Clerk, as bailies to infeft Sir Alexander Hume of that Ilk, knight, in the lands of Birgham and Hassington, formerly belonging to the lord of Dirleton in the sheriffdom of Berwick and earldom of March and also in a husband land in the town and territory of Hutton with the hospital of the same as stated in the Earl's charter. Dated at Jedburgh 28 April 1451. Earl's seal appended. A savage man kneeling, armed with a club and bearing on left arm a shield with the Earl's armorial bearings. Legend imperfect.

81. Transumpt made 6th April 1458, of Charter by King James the Second granting to Alexander Hume son and apparent heir of Alexander Hume of that Ilk, knight the lands of Brigham, Brighamshiels, East Mains of Hassington and others, annexing them to the barony of Hume, in the sheriffdom of Berwick; To be held to the grantee and a series of heirs of entail, of the king and his successors. Dated at Edinburgh 28 February 1452–3. [Printed in Register of Great Seal, vol. 1424–1513, No. 596.]

82. Charter by Alexander Bruce of Brighame granting and confirming to Alexander Home of that Ilk, great Chamberlain of Scotland, the granter's lands of Brigham in the Earldom of March and Sheriffdom of Berwick, in true excambion or exchange for the lands of Maw, the lands of Urwell in the barony of Kinneswood, the lands of Kinnaldy and the lands of Balmain, all in Fifeshire, with two tenements (as particularly bounded and described) in the city of St. Andrews; To be held, the lands of Brighame to Alexander Home from the granter of the king and his successors for services due and wont. At Edinburgh 24 May 1490. Granter's seal appended, bearing the Bruce arms. [There is also a letter of Regress by Bruce of same date, binding him to defend Home in his possession of Brighame and if necessary to give regress to the lands exchanged.]

Lands of Chirnside.

83. Precept by George of Dunbar, second son of George of Dunbar, Earl of March, appointing his kinsman Robert Spens ("de Spensa") as bailie to infeft the granters beloved and special kinsman Hugh de Spensa in the whole lands and annual rents of Chirnside in the Earldom of March, wadset or mortgaged to the grantee. Dated at Dunbar 8th April 1431. [This writ is followed by another of same tenor directed to Walter of Spens as bailie and describing the lands as within the sheriffdom of Berwick. At Dunbar 15 November 1431.]

84. Transumpt (dated 11 June 1448) of a Charter under the great seal of King James the First, granting and confirming to Hugh of Spens the lands of Hardens and five pounds of lands in the town of Chirnside lying near the lands which Hugh is said to hold in that town, in the king's earldom of March and sheriffdom of Berwick; To be held to Hugh and Matilda his wife, the longer liver of them two, and their heirs male, of the king and his successors for three pleas of court and other services. Dated at Edinburgh 30th July 1436. Witnesses John elect confirmed to the Church of Moray, Sir John Forester of Corstorphine, Chamberlain, William Foulis Archdeacon of St. Andrews, Privy Seal, Sir William Crichton Master of Household and others. [This charter is not recorded.]

85. Letters under the privy seal of King James the Second declaring that notwithstanding the king's general revocation of grants of lands,

offices &c. made on his majority at the last General Council at Stirling, Sir Alexander Home of that Ilk, knight, shall have power to possess the lands of Chirnside in the earldom of March, etc., as he held them previous to the revocation. At Stirling 13th November 1444.

86. Charter by Walter of Spens son and heir of the late Hugh of Spens granting and confirming to Sir Alexander Home of that Ilk, knight, his whole lands of Chirnside, namely four husbandlands, a merk's worth of land lying within husbandry in cotlands, a merk's worth of land and eight merks of annual rent of the four mains lands, of each mains land two merks, lying in the town and territory of Chirnside in the sheriffdom of Berwick and earldom of March; To be held to Sir Alexander Home from the granter and his heirs, for the services due to the overlord of the lands. Dated at Chirnside 31 January 1447. [On the same day the granter gave a formal letter of resignation of the lands, quitting all his claims in favour of Sir Alexander Home.]

87. Extract from Register of Great Seal by Sir John Hay of Lands, Clerk Register, of Charter by King James the Second granting to Sir Alexander Hume of that Ilk knight the whole lands of Chirnside in the sheriffdom of Berwick; To be held for three pleas of court yearly at Dunbar. Dated at Edinburgh 26 June 1451. [Printed, No. 455 of Register of Great Seal 1424–1513.]

88. Instrument of Sasine following on a precept, dated at Dunbar, 19 June 1478, by Alexander Duke of Albany, etc., for infefting, in terms of a charter, Alexander Home of that Ilk in the lands commonly called Parks mains and ten husbandlands and three cotlands, lying within the territory of Chirnside, extending to twenty-two merks. Sasine given by Patrick Home son of the late David Home of Wedderburn, as bailie, at the principal messuage, on 22 June 1478. Witnesses George Ker of Samuelston, George Roulle, Thomas Edington, George Trotter, William Hering, William Atkynson, Ranald of Dunbar and others.

89. Transumpt (made 22 May 1487) of Charter by King James the Third in favour of Alexander Home of that Ilk of the lands of Chirnside, with the patronage of the church there, etc. Dated at Edinburgh 11th January 1483–4. [Printed, No. 1573 of Register of Great Seal 1424–1513.]

90. Precept of Sasine under the quarter seal, in terms of the foregoing charter. Edinburgh 17 January 1483-4. [This is followed by an instrument of sasine in terms of the precept, which was directed to Patrick Home of Polwarth, Henry Hately of Mellerstains or Robert French of Thornydikes. Sasine given by Patrick Home on 26 January 1483–4. Witnesses Philip Nisbet, son and heir apparent of the laird of West Nisbet, Patrick Home of "Balwlphi" and others.]

91. Charter by Alexander Home grandson and apparent heir of Alexander Lord Home, and lord of Chirnside, granting and confirming to his uncle Patrick Home of Fastcastle all and whole the mains of Ninewells extending to four husbandlands in the west part of the town of Chirnside, with six husbandlands in the east part of said town; To be held to Patrick Home of the granter and his heirs for service due and wont. Dated at Home 9th September 1485. Witnesses, John Home of Crailing, William Home and others. Seal appended. [There are also with the above writs an extract of a charter by King James the Fourth to the said Alexander Home, of Chirnside and other lands dated 4 January 1489–90,—which is printed in Register of Great Seal *ut supra* No. 1914—and the original relative precept of sasine.]

COLDINGHAM.

92. The Abbacy of Coldingham was erected into a temporal lordship in favour of Alexander first Earl of Home in 1610, but was sold by the second Earl in 1621. The papers now in the Home Charter Chest relating to the Abbacy are neither numerous nor important, the most of them dealing with teinds and other duties, and of no historical importance. Of these miscellaneous papers only two need be noted :—

93. Decree by the Lords of Council and Session against Alexander Lord Home for violently withholding from Mr. John Spens of Condie "yconomus" of the Abbey of Coldingham from the 12th to 30th days of September 1564 the teindsheaves of the lands of Auldcambus, Redylaws, Woodend and mill, Chaister, Reidheuch and Windelaws, for crop 1564, which was the patrimony of the Abbey. Edinburgh 22 July 1566.

94. Summons at the instance of Dame Agnes Gray Lady Home, Robert Logan of Restalrig her son, and Alexander Lord Home her husband for his interest, narrating that Lady Home and her said son have in lease or assedation to them their heirs, &c., the teindsheaves and other teinds of the lands and mains of Fastcastle, called West Lumsden, both parsonage and vicarage, with the teind fish of the boats in Eyemouth, belonging to the house and living of Fastcastle, leased to them by the Commendator and Convent of Coldingham; and that Alexander Home of Manderston and Alexander Home his son and apparent heir alleging him to be constituted Chamberlain to the said Abbey under order from the Regent [Murray] and the Privy Council, had charged the feuars and tenants of the Abbey to make payment to them of the teinds of the crop and fishing for the year 1570: Further stating that the lease by the Priory to Dame Agnes Gray and her son was for 19 years at a yearly rent of 20*l.* Scots and was of an earlier date than the letter of Chamberlainry to Alexander Home, while there are yet several years of the lease to run. Wherefore the said Alexander Home and his son are summoned before the lords of session that the letters to them may be suspended. Given under the signet. Edinburgh 16 February 1570–1. The execution of the summons written on the back states that Alexander Home and his son were both found at the Abbey of Coldingham on 2 March 1570–71.

95. Household book or Account book (much mutilated at the beginning) dealing with the teinds and other fruits of the Priory of Coldingham and of Eyemouth for 1592 and especially referring to October and November of that year, when Lord Home (Alexander sixth Lord) and Lady Home resided at the Abbey for some time, Lord Home having received a grant of the Priory on the forfeiture of Francis Stewart Earl of Bothwell, whose insurrection in that year Home assisted in suppressing. The book gives formal account of the grain produce of the lands, and records the payments made to the workmen and others who harvested the crops. There is also an account of payments on behalf of the household beginning on 25 October 1592, the date of Lord Home's entry to Coldingham, and consisting of entries of candle, wine, firing, fowls and other provisions, including ale, aqua vitæ, and butcher meat. None of the entries contain special historical references, but an idea of the prices paid may be given.

It may be noted that the Abbey required to be prepared for the reception of Lord and Lady Home and there is a memorandum of payments for staining, fitting up and mending parts of the building,

for casting turf to be used as thatch and also for cleaning dung away from the stables and kitchen.

The prices of articles run as follows :—Candles 26*s.* 8*d.* (Scots) per half stone. A "stack" of peats or turfs for "elding" or firing seems to have varied in price from 3*l.* 2*s.* to 6*l.* but size and other matters may have caused the difference in price. Wine cost 10*s.* the pint. The measures given are, a "rowber" (?) of wine containing eight pints, a "fleckett" = one quart and a mutchkin, and a "barrikin" containing 8 pints. Of fowls, hens cost about 4*s.* (Scots) apiece ; capons apparently 5*s.* each ; plovers 6*s.* 8*d.* the couple ; partridges 6*s.* each, a woodcock 5*s.* Ale was valued at 3*l.* 6*s.* 8*d.* for the ten gallon barrel. The sums paid for butcher meat, were, for "a beiff" 7*l.*, for "a mutton" 36*s.* Meal appears to have cost 3*l.* a boll. Six salmon cost 4*l.* 10*s.* Scots. Of small articles, pepper cost 2*s.* 4*d.* an ounce ; butter 40*d.* a pound ; a string of onions 2*s.* ; two hundred herrings = 32*s.* ; two hundred oysters = 13*s.* 4*d.* Three firlots of salt cost 24*s.* Five pounds of "plowmdameis" cost 16*s.* 8*d.* ; "vj. drop weicht of saifron = xiis." ; an ounce of ginger = 2*s.* An ounce of "succour" (sugar) = 2*s.* A quire of paper = 4*s.* Eggs and fish are also named among other provisions but the exact price cannot be determined. After the miscellaneous articles comes the following :—"Item, for saip to wesche with, vij. sindrie tymes getting at ilk tyme a pund and quarter of a pund at xxviij*d.* the pund. Summa xx*s.* and v*d.*"

The bill for "aqua vitæ" comes next, amounting, for the period from 1st to 25 November inclusive, to 6*l.* 4*s.* The purchases each day vary from one to four gills, each gill costing 2*s.*

96. A volume, bound in parchment, containing about 400 pp. of MS. entitled in a modern hand "Records of the Courts of the Barony of Coldinghame 1611 to 1654." This description however is not accurate. The records of the barony court begin on 18th May 1611 and continue only to 6 January 1615, occupying the first 200 pp. of the MS. ; while the remainder contains decrees of the Sheriff Court of the sheriffdom of Berwick from 12th October 1652 to 6 October 1654. Lord Home was present in person at the first court recorded in the volume, and various neighbouring lairds appeared either in person or by their representatives to pay the feudal homage due for their lands. The absentees were fined by the presiding baron bailie in "ane angell cunze of gold" and orders were given to distrain their effects. At this court also, in answer to numerous complaints by vassals and tenants that they were frequently obliged to make double payments of rents and duties, Lord Home arranged to appoint yearly or termly a commissioner to receive payment, to whom alone payments should be made and whose receipt should be sufficient. The particulars of the Courts, though perhaps of interest to the local antiquary or genealogists, need not be detailed here, consisting as they do, chiefly of complaints by one tenant against another, distraints for rents &c.

The same remark applies to the record of the decrees of the Sheriff court which chiefly relate to questions between creditors and debtors. Lieutenant Colonel John Mayor was sheriff-principal and William Ross of Drumgarland his deputy. They appear to have been appointed under Cromwell's judges in Scotland.

Lands of Cowdenknowes, etc.

97. Instrument of Sasine following on a mandate from the king narrating that John Home of Whitrig as bailie, gave sasine to Henry

Hately of Mellerstain as attorney for Archibald Earl of Angus of the lands of the whole lordship of Ersiltoun (Earlston) with mill, cottages &c. [in the sheriffdom of Berwick]. Sasine given on the lands 12th August 1483. Thomas Hoy, William Purves senior and William Purves his son, Archibald Leirmonth and others witnesses.

98. Letters by Archibald Earl Angus &c. binding himself to Alexander Home apparent heir to Alexander Lord Home, to the effect that as the Earl had sold to Home the mains of the lands of Ersiltoun, and ten acres belonging to the mill of Ersilton, extending to a pound's worth of land, also the lands of Philpston, Faula and Wollstruther-meadow, extending to 5*l.* worth of land, also five husbandlands of the town of Ersilton at the east end, next the said mains, within the sheriffdom of Berwick, so if Alexander Home be vexed or troubled in his possession of the lands by the Earl or his heirs in any way, except because of war with England, the Earl binds himself and his heirs to pay 1,000 merks Scots, within the Church of St. Giles, Edinburgh, within 40 days after such disturbance. Dated at Douglas 14th August 1484. Earl's seal appended.

99. Precept by the said Earl directed to Walter Ker of Cessford, Henry Hately of Mellerstain, John Lermonth of Ersilton and others as bailies to infeft Alexander Home, grandson and apparent heir of Alexander Lord Home, in twenty pounds worth of the lands of Ersilton, namely the mains of Ersilton with pertinents, the "lang akeris" for 2*l.*, Carelside for 1*l.*, the "Thowlescrouk" for 1*l.*, the "hal orchard" which is called the manor of the same, the mains with the Coldenknows for 6*l.*, the five husbandlands next to and on the east side of the manor for 5*l.*, and Philpston, Fawlo and Willestroder meadow for other 5*l.*, all in the lordship of Earlston and sheriffdom of Berwick, in terms of the Earl's charter. Dated at Edinburgh 11th October 1484. Seal appended.

100. Charter by Archibald Earl of Angus, granting to the same Alexander Home, great Chamberlain of Scotland, the mains of Ersilton with pertinents, called the Cowdenknowes and the other lands as above described; To be held of the Earl and his heirs in fee and heritage for a reddendo of one penny payable on the lands of Cowdenknowes, if asked. Dated at Edinburgh 28 January 1488–9. Witnesses, James Carmichael the Earl's brother [uterine], Patrick Home of Polwarth, John Home of Whitrig and others.

101. Instrument of sasine in the lands following on the above charter. Sasine given by William Haig son and heir of James Haig of Bemerside, as bailie, on 22 March 1488–9.

102. Instrument of resignation narrating that Archibald Earl of Angus did in presence of King James the Fourth, resign the whole lands of Earlston, tenants and tenandries &c. in the earldom of March and shire of Berwick, in favour of John Home of Whitrig. Done at Dunglass. Witnesses Robert Bishop of Glasgow, William bishop of Aberdeen, John Prior of St. Andrews, Robert Abbot of Kelso, Colin Earl of Argyll, Patrick Earl of Bothwell, William Earl of Errol, William Lord of St. Johns, John Lord Glamis, Laurence Lord Oliphant, John Lord Sempill, William Lord Ruthven, James Ogilvy of Airlie, knight, Archibald Edmonstone of Duntreath, Patrick Hume of Fastcastle, John Ross, and John Hepburn of Rollandstone. 29th October 1489.

103. Instrument of Sasine following on a precept by King James the Fourth (dated at Lauder 9th November 1493) for infefting Kentigern

or Mungo Home as heir retoured to his father the late John Home in the lands of Ersilton, Brotherstanes and Whitrig, with mill, and in 5*l.* of annualrent of the lands of Merton called Mudwells lands, and 10*l.* lands of Todrig, united into the barony of Ersilton in the sheriffdom of Berwick ; commanding the bailies also to take security for 80 merks, of the rents of the lands while in the king's hands for one term (half year) since John Home's decease. Sasine given 11th November 1193 on the green of Ersilton by the bailie Patrick Focard serjeant of the sheriff of Berwick.

104. Instrument of Sasine narrating that John Home of Coldenknowes as superior gave sasine, in terms of a charter, to George Lord Home of the lands of Philpston, Coldenknowes and others described in No. 98 supra. Done on the lands of Philpston 20 March 1527–8.

105. Retour [Contemporary extract] of Alexander Lord Home as heir of his father the late George Lord Home in the 20*l.* lands of Ersilton, Coldenknowes and others above described, held blench of John Home of Coldenknowes as superior. Edinburgh 16 April 1551.

106. Letter of Warrandice by John Home of Coldenknowes binding himself to warrant and keep scatheless Alexander Lord Home at the hands of George Vode (Wood) touching a bond by them to the said George for the entry of John Rutherford signed by Lord Home at the granter's desire. Dated at Home 28 December 1552. Witnesses Mr. Alexander Crichton parson of Abbotrule, Alexander M'Dowall of Stodrig and others. Signed "Jhon Howm of Coldenknois kny^{t}."

107. Letters of Reversion by Nicholl or Nicholas Purves burgess of Edinburgh and Elizabeth Sinclair his spouse, to the effect that although John Hume of Coldenknowes has sold to them the husband-land and half husband-land lying in the town of Ersiltoun in the sheriffdom of Berwick, which the late Thomas Purves father of Nicholas formerly occupied, yet upon John Home or his heirs making payment to the granters, on St. James's altar in the church of St. Giles, Edinburgh, the sum of 100 merks Scots, with a four years lease of the lands at 30*s.* yearly, they bind themselves to resign and upgive the lands in favour of John Home. At Edinburgh —— 1554. The parties sign under the guidance of a notary. Seals attached, the first showing a shield bearing on a fesse between three mascles, three cinquefoils. Legend "S. Nychole Povrves"; the other seal bearing an engrailed saltire. Legend "S. Elizabeth Sinclar."

108. Precept by John Hume of Coldenknowes as superior, for infefting Alexander Lord Home as heir of his father George Lord Home in the lands of Philpston and others including Coldenknowes. Dated at Coldenknowes 12 May 1553. Signed "Jhon Howm of Coldenknois kny^{t}."

109. Old Inventory, without date, but written in the time of Sir James Home of Coldenknowes [c. 1570–1590] containing the writs of the lands belonging to him. Some of the writs enumerated are given above, others may be found in the public records. Three writs of a miscellaneous character (not now in the Home Charter Chest) may be noted. (1) A licence, dated 28 November 1536, by John Home of Coldenknowes granting leave to certain men of Dryburgh to pull heather on his moor (of Earlston) and that only for the Abbot's lifetime. (2) An instrument by which the "gudeman of St. Johns's Chapell" grants that his pasturing his goods upon Earlston Moor is only by the tolerance

of John Home of Coldenknowes and during the latter's will only. 23 May 1540. (3) A decree of the Privy Council as to the Commonty of Earlston, in favour of Sir John Home of Coldenknowes, knight, touching the fuel, and corn that was sown on the moor by Sir John. 9th August 1554.

110. Instrument of Sasine following on a precept in a charter (dated at Edinburgh 7 June 1610) by Sir John Home of Coldenknowes knight, granting to Mr. James Home of Eccles, William Cairncross of Colmislie, Mr. Robert Home of Carolside, Mr. William Home of Graden and John Home of Houlatsone, their heirs &c. the lands and barony of Ersilton, with mill &c., lying in the sheriffdom of Berwick. Sasine given on 13 June 1610 to Alexander Home natural son of Mr. James Home of Eccles as attorney for the grantees. Among the witnesses to Sir John Home's charter are his natural son Thomas Home, Nicolas Cairncross son of the said William Cairncross, Mr. Alexander Home minister of Eccles and others.

111. Instrument of Sasine following on a precept in a charter (dated at Edinburgh and Coldenknowes 11th and 12 July 1612) by Sir John Home of Coldenknowes and Sir James Home of Whitrig his son, with consent of their respective wives Dame Beatrice Ruthven and Dame Anna Home granting the lands of Ersilton to John Nasmyth surgeon to the king under reversion of an annual rent of 3,000*l.* Scots. Sasine given to James Nasmyth of Posso attorney for the grantee on 12 July 1612.

112. Agreement between Sir John Home of Coldenknowes on the one part and [his son] Sir James Home of Whitrig and the latter's wife Lady Anna Home on the other part. (1) First, for the common good of both parties and avoiding of other inconveniences, they agree to dwell and hold house together at their equal charges, and "to continue so long as they can agrie amongs themselffis according to the bill of houshold quhilk they sall set doune and subscryve with their handis, and that preseiselie veiklie Ladie An[na] sall heir the houshold comptis taine everie Setterday at morne or night." (2) Sir John shall infeft his son Sir James in his whole lands before 25 December next Sir James taking over his father's debts, on condition of getting immediate possession of the lands of Mersington and the teinds of Smailholm, with 1,000 merks yearly from Coldenknowes—the rights of Dame Beatrice Ruthven not being prejudiced—reserving the furniture &c. of the house of Coldenknowes, as it stands, to Sir James after his father's death. (3) Sir James, for his affection to his brothers and sisters further agrees to bestow on his eldest sister Catherine at her marriage, as tocher 12,000 merks, and 8,000 merks on the younger sister Marie. He shall also bestow on each of his five brothers (names not given) 3,000 merks, dividing the portions due to any who may decease, among the survivors equally—this payment not to be made till Sir John's death, after which Sir James shall "intertaine" his brothers "according to their estait" until he make the said payments. With clause of registration of the Agreement, etc. Dated and signed by the parties at Coldenknowes 1st September 1612. Witnesses James Sinclair of Murkil, John Sinclair his natural son, (who also wrote the agreement), Sir James Home of Eccles and others.

Lands of Crailing and others.

113. Retour of Inquest made at Hawick before Archibald Douglas sheriff of Roxburgh by Richard Rutherfurd, knight, Thomas Cranstoun,

Nicholas Rutherfurd, John of St. Michael, James Gledstanes, James Langlands, William Turnbull, Robert Gledstanes, Thomas Jonston, Richard Turnbull, Robert of Hepburn, Symon of Dalgleish, Alexander of Newtoun, Andrew Ker, William Fresal (Fraser), Robert Loraine, Walter Turnbull, Alexander of Chesholm, Patrick Inglis and Patrick Hage, who declare that the late Katrina of Lauder, mother of Marion Lauder, died last vest in the barony of Hounam and in the lands of Swynset in the sheriffdom of Roxburgh, and that the said Marion is nearest and lawful heir of her mother in the fourth part of said barony and lands, the fourth part of Hounam being valued at 10*l.* per annum and in time of peace at 25 merks yearly, and held of the king for forinsee service, while the lands of Swynset (fourth part) are valued at five merks, in time of peace six merks, and are held blench for a penny at midsummer. The lands have been in the king's hands, through the death of the late John of Lauder spouse of the said late Katrine, for the space of three years. Retour dated 27 June 1424. Two seals and a fragment still appended—seal first, being that of "Nicholas de Ruthirfurd" bearing an orle, three martlets in chief; Legend defaced; seal second, apparently that of John of St. Michael—a deep chevron between three boar's heads two and one—legend illegible; fragment of seal of Thomas Cranston.

114. Notarial Instrument setting forth that Sir Alexander Home of that Ilk, knight, Alexander Home his grandson and apparent heir, James Rutherford of that Ilk, Andrew Ker and Walter Ker his son, and Thomas Home of Tenningham have agreed among themselves as to the division of the undernamed lands as follows; that Sir Alexander and Alexander Home shall have the lands of Crailing with mains and mill; James Rutherford shall have the lands of Fulogy (?) Cuniardon and 20 merks of the lands of Swynside; Andrew Ker and his son shall have Samieston, Ranaldston, Hounam, Cuthbershope and five nobles in Berehope; and Thomas Home shall have Caphope-town with mains and mill and three husband-lands in Swynside which Patrick Douglas and William Douglas presently occupy in farm, and Caylschelfield. Done in the monastery of Dryburgh on 21 June 1468, in presence of Walter Abbot of Dryburgh, George Home of Blook, Alexander Cockburn of Langton, Adam Nisbet of that ilk, Andrew Ormiston of that ilk, David Dunbar, David Purves, Robert Lauder of Whitslade, George Cranston, James Haig of Bemerside, John Trotter, Archibald Manderston, Thomas Edington of that ilk, Adam Purves, John Anysley of Dolphinston, George Douglas of Bonjedworth, Messrs. Philip Yle and James Newton rector of Bedrule, George Dauison, William Pringle, Robert Rutherford of Chatto, Robert Hall, Adam Hardy and Alexander Hatley. [Another copy of this instrument states that Andrew and Walter Ker were procurators for and acting in name of Henry Wardlaw of Torry.]

115. Notarial Instrument narrating that John Hume of Crailing freely resigned in the hands of Alexander Hume of that Ilk his overlord, his whole lands of Crailing with mains and mill, in the sheriffdom of Roxburgh, reserving a reasonable terce to his wife Margaret. Done near the manor of Fastheuch on 30th April 1479. Witnesses David Ranton of Billie, James Ker of Crukytschaws, Robert French of Thornydykes, James Ogle of Pople and John Roule.

116. Charter by Alexander Hume lord of the fee of the lordship of Hume, with consent of his father George Lord Hume, franktenementar of the lands, granting to John Ker of Fairnyhirst and Katherine Ker his wife, their heirs &c. the whole lands of Crailing and Hounam in the barony of Crailing and Hounam, lying in the county of Roxburgh

reserving one acre of land immediately adjoining the Brewcroft on the west side, with two tenandries, Hounam mains and Chatto. To be held to the grantees of the granter and his heirs for services due and wont. Place, month and day blank, year 1547. Signed "George L. Hom," "Alex^{r} M. Houm." Two seals attached. The first shewing a shield couché, bearing quarterly 1st and 4th a lion rampant for Home; 2 and 3, three papingoes for Pepdie; over all an escutcheon with an orle for Landale. Crest a deer couchant. Legend "S. GEORGI DOMINI DE HOVME." The second seal has also a shield couché, quarterly 1st Home, 2nd Pepdie, 3 a unicorn, 4th on a bend three mascles for Haliburton, over all, an orle as before. Legend "S. ALEXANDRI F. DOMINI DE HOVME." [There is also a precept of sasine, signed and sealed by the same parties —— 1547.]

DALSWINTON AND OTHERS.

117. Charter by King James the Second under the great seal, granting to Alexander Stewart, son and apparent heir of William Stewart of Dalswinton, knight, the lands of Dalswinton in Dumfries-shire, Garlies in Galloway, Minto and others in Roxburghshire and Glasserton in the shire of Wigtown; to be held of the king and his successors for services due and wont. Reserving a reasonable tierce to Elizabeth wife of William Stewart. Dated at Edinburgh 13 January 1458–9. Fragment of great seal appended. [This charter is printed in Register of Great Seal 1424–1513, No. 663, where however the grantee is described as *Andrew* Stewart.]

DERINGTON.

118. Instrument narrating that Edward Redpath (not otherwise designed) resigned into the hands of his superior, Robert Abbot of the Monastery of Kelso, the lands of Derington in the sheriffdom of Berwick in favour of Alexander Home apparent heir of Sir Alexander Home of that Ilk, knight, and his heirs &c. Done in the chambers of the said lord Abbot 5th December 1477. Witnesses Andrew Ker of Cessford, Walter Ker of Caverton, Sir Alexander Wedall, prior of Lesmahagow, Sir John Glassinwright, subprior of Kelso, and others.

DUNGLAS, ETC.

COLLEGIATE CHURCH OF DUNGLAS.

Before dealing with the writs immediately relating to Dunglas, reference may be made to other ecclesiastical writs contained in the same packet:—

119. Dispensation by Pope Martin the Fifth, addressed to the Bishop of St. Andrews or his vicar in spiritual things, narrating a petition made to the Papal See on the part of Alexander of Hume, and Marion of Lawedre, stating that they desire to be joined in marriage but because they are related doubly in the fourth degree of consanguinity they cannot fulfill their wishes; in answer to which the bishop is ordained to dispense with the impediments that the parties may freely marry and remain together, etc. Given at St. Peter's, Rome, 11th April, 9th year of Pope [1426]. This document is followed by—

120. Letters of sentence by John Laucrok, master in arts and licentiate in decrees, rector of the parish church of Cambuslang, and official

of the Court of St. Andrews in the parts of Lothian, narrating that before him sitting as judge in the church of the monastery of Holyrood in Edinburgh, there appeared in judgment Alexander Home lord of that Ilk, pursuer, and Marion of Lauder his pretended wife, defender, against whom the pursuer proposed that the marriage betwixt them if marriage it ought to be called, could not stand in right, when they were related in the fourth and fourth degrees of consanguinity; petitioning that, such an obstacle being proved, divorce ought to be pronounced between him and the said Marion and that their marriage should be quashed and declared null. Wherefore the case being debated and the oath of calumny, etc., administered, witnesses produced and the case closed, the judge on 6th October 1427, gave sentence declaring the matrimonial contract between the said Alexander and Marion to be null and void, for that cause separating them from each other and giving them licence to marry whom they please. Seal of office, once appended, is now wanting.

This sentence was in accordance with the requirements of the canon law, but the parties applied for another dispensation, in terms of which we find :—

121. Letters, addressed to all the children of mother Church, by Robert Bishop of Caithness, appointed to give effect to a Dispensation from the Penitentiary of Pope Martin the Fifth, of date 4th January 1427–8, narrating that Alexander Home and Marion Lauder had presented a petition to the Papal See to the effect that they formerly knowing that they were related in the fourth and fourth degrees of consanguinity had contracted marriage "per verba de presenti" and having consummated their union had begotten children; that when knowledge of this impediment came to their ordinary, he rightly celebrated a divorce, which they obeyed, and had abstained from intercourse and still abstain; but they further petition that if they remained divorced much scandal may arise, and for this and other causes they desire, and ask of new to be joined in marriage; which petition the Pope grants in the usual form, and the Bishop of Caithness by the power conferred upon him confers full permission upon the petitioners to marry of new, and declares their offspring legitimate. At Edinburgh 1st April 1428, the bishop procuring the use of the round seal of the Bishop of Argyll, his own not being available, before Sir Robert Lauder, knight, lord of Eryngton, Malcolm Fleming lord of Cumbernauld, and two chaplains Thomas Tod and John of Strabrok. [The bishop refers to the date as in the first year of his consecration to the see of Caithness.]

122. Charter of Confirmation by King James the Second of a charter by Alexander Hume lord of that Ilk granting to the chapel of the Virgin Mary of Dunglas and the presbyters there serving God, on behalf of the souls of the granter, his parents, his wife, brothers, sisters and others, those three husband-lands with a half land, lying in the town and territory of Kello in the sheriffdom of Berwick, namely two husbandlands with half land, lying on the east side of the town of Kello and on the south side of the street thereof, and one husbandland on the east side of the town on the north side of the street, and an acre of land with mansion place, lying in the town and territory of Dunglas near the fount called Bryan's Well; To be held to the grantees from the granter and his heirs in perpetual alms, with pasture for two cows and one horse with the animals of the Laird of Dunglas, etc. Dated at Edinburgh 30th November 1423. The confirmation charter (which does not appear in the extant Record of the Great Seal) is dated at Falkland 22 August 1450, and is for some reason done in duplicate,

MSS. OF THE EARL OF HOME.

both copies being in the Home Charter Chest. It describes the charter of 1423, as by the late Alexander Home father of Alexander Home of that Ilk, knight, to the chapel of the Virgin Mary at Dunglas, now lately founded as a Collegiate Church, a statement which enables us better to fix the date of the following writ.

123. Foundation Charter of the Collegiate Church of Dunglas by Sir Alexander Home :—

In laudem et honorem Dei et Domini nostri Jhesu Christi beate et gloriose Virginis Marie et omnium Sanctorum Ego Alexander de Hvme de eodem miles matura deliberatione prehabita cum autoritate Reuerendi in Christo patris ac domini domini Jacobi, Dei et apostolice sedis gracia, episcopi Sancti Andree de consensu et assensu Alexandri de Hvme primogeniti et heredis mei ad perpetuam rei memoriam pro recolende memorie Dauid, Roberti, Roberti, Jacobi et Jacobi predecessorum et successorum suorum Regum Scocie, Domini Alexandri de Hvme patris mei et Jonete matris mee, Thome de Hvme aui mei et Nicholae vxoris sue et Johannis de Hvme proaui mei, militum, omniumque aliorum antecessorum meorum, ac Mariote vxoris mee, filiorum et filiarum meorum procreatorum et procreandorum, necnon Thome et Georgii de Hvme fratrum meorum sororumque mearum, ac Patricii de Hvme de Rachburn et Domini Dauid de Hvme de Wedderburn, militis, vxorum filiorum et filiarum eorundem ac Roberti de Nesbit et Margarete vxoris sue et omnium successorum meorum animarum salute In capella beate Marie de Dunglas Sanctiandree diocesis tres capellanias perpetuas quibus tres capellani perpetui presbiteri quorum vnus in honore et preeminencia ceteris personis in eadem capella pro tempore degentibus quoad chori et diuini cultus regimen in eadem preponetur prepositusque vocabitur deputabuntur facio constituo et ordino ac prout sequitur imperpetuum fundo, videlicet, primam capellaniam super duodecim mercatis terrarum et annuorum reddituum de Kello jacentium infra vicecomitatum Berwici, quam capellaniam preposito pro tempore existente assigno ; Secundam vero capellaniam super duodecim mercatis terrarum et annuorum reddituum de Balwlsy et Gordounshal infra vicecomitatum de Fyfe jacentium; Terciam autem capellaniam super duodecim mercatis terrarum et annuorum reddituum de Balwlsy et Gordounshal prefatis infra vicecomitatum de Fife predictum jacentium. Necnon xij. mercatis terrarum et annuorum reddituum de Hutoun, Hirssale, Colbranspeth et Pinkertoun infra prefatum vicecomitatum Berwici jacentium, quatuor pueris in choro antedicti collegii et cantandum et diuinum seruicium celebrandum ac in ecclesia vt congruit ministrandum, deputandis cuilibet prefatorum puerorum tres marcas annuatim fore dandas ordino et constituo Et prenominatas terras regi gubernari et assedari ac earum firmas redditus prouentus ac annuos redditus antedictos, leuari et recepi volo atque ordino per prepositum et capellanos dictarum capellaniarum, annis singulis prout ad eos spectabunt, secundum modum et formam racionabiles ac honestos cartarum mearum exinde confectarum, terras autem et earum firmas, redditus, prouentus et annuos redditus predictis quatuor pueris assignatos, per prepositum antedicti collegii, regi, gubernari, assedari, leuari, recipi et dictis pueris secundum porcionem cuilibet eorum contingentem distribui volo et ordino. Mansum vero secundi capellani erit in parte australi ville de Dunglas proximum ecclesie antedicte, cum horto sufficiente in longitudine et latitudine, Mansum vero prepositi erit in villa de Dunglas ex parte australi eiusdem proximum mansioni secundi capellani antedicti, da partem borialem eiusdem, cum horto sufficiente vt premissum est. Mansum vero tercii capellani erit in villa de Dunglas consequentem

post mansum prepositi, ad partem borialem eiusdem, cum horto sufficiente vt premissum est, et cum libero introitu et exitu cuiuslibet mansorum predictorum ante et retro, cum omni libertate, prout in cartis suis continetur cuilibet eciam ipsorum prepositi et capellanorum, pasturam vnius equi proprii, et vnius vacce proprie cum eorum sequelis vnius anni in communi pastura de Dunglas libere concedo, sicquod huiusmodi pasturam aliis nequeant assedare; volo insuper et consensu eiusdem domini episcopi ordino quod dicti prepositus et capellani in locis et mansis prescriptis per me eis assignatis, per se ad meum et heredum meorum dominorum de Dunglas voluntatem resideant, et si a residencia huiusmodi per xv. dies aliquis eorum se absentauerit, sua capellania censeatur penitus omnino vacare, tribus temporibus anni duntaxat exceptis, quorum quolibet liceat sibi se absentare per xij. dies ad majus licencia patroni, si presens fuerit, super hoc petita et obtenta: Volo eciam quod quicunque aliquis capellanus ad aliquam capellaniarum predictarum per patronum presentatus et institutus in eadem concubinam tenuerit vel alicui adheserit, ita quod cognosci poterit, si ter monitus eam non dimiserit exinde sua capellania censeatur vacare, alteri capellano ydoneo conferenda. In premissis autem hortis prepositi et capellanorum pomeria plantari volo et ordino et decenter preseruare, per prepositum et capellanos et si aliquis capellanorum hoc facere neglexerit cedat hortus ipsius, preposito in suos vsus applicandus pro tempore vite capellani predicti: Si autem prepositus suum hortum plantare vt dictum est neglexerit cedat hortus ille in vsus et fabricam ecclesie prouidencia patroni gubernandus, et hoc pro tempore illius prepositi negligentis solum, et duntaxat ad suum successorum libere reuertendus et sic de hortis capellanorum successoribus eorundem libere reuertendis: Nec est intentionis mee quod aliquis capellanus in dicta capellania sic institutus et celebrans a promotione cuiuscunque beneficii curati quoquomodo perinde impediatur, sed beneficium huiusmodi habitum seu habendum licite retinere valeat, si sibi debite conferatur cum omnes huiusmodi capellanie simplicia beneficia censeantur: Conueniantque prepositus capellani et pueri predicti in ecclesia collegiata antedicta prout moris est in ecclesiis similibus collegiatis ad pulsacionem campane singulis diebus horis competentibus in habitu decenti, saltem in superpellicio et nigra almusia furrata de pellibus agninis, ad missas et horas canonicas celebrandas quas horas canonicas et missas aliaque diuina mysteria, more aliarum ecclesiarum collegiatarum decantari volo et celebrari, prout prepositus statuerit, tam in missis quam aliis horis, diuina seruicia celebrari ac eidem preposito predicti capellani et alii clerici vel ministri quicunque in ipsorum primo ingressu obedienciam manualem facere teneantur. Necnon in curiis meis capitalibus et aliis infra dominium de Dunglas tenendis, dum per me vel heredes meos ad hoc requisiti fuerint, prefati prepositus et capellani suas presencias pro suis conciliis in licitis et honestis dandis exhibere teneantur: In omnibus autem aliis et singulis jus ordinarium concernentibus, ipsa ecclesia beate Marie ac prepositus capellani clerici et ministri pro tempore ministrantes in eadem, Episcopo Sanctiandree eorum ordinario et ministris suis in omnibus et per omnia subiacebunt, preterquam quod presentaciones ipsorum prepositi et capellanorum quociens ipsa prepositura et capellanie vacauerint vel eorum aliqua vacauerit, ad me et heredes meos, et dicti prepositi admissio et institucio ad episcopum predictum sed ceterorum capellanorum admissiones et instituciones ex meis et heredum suorum dominorum de Dunglas presentacionibus, ac eciam reformaciones et correctiones defectuum circa regimen seruicii et diuini cultus in ipsa ecclesia contingencium ad ipsum prepositum vel eius locum tenentem cum canonica in hiis correctione pertinebunt, quos quidem defectus in

penas pecuniarias per ipsum prepositum vel eius locum tenentem leuandas, ac in dicte ecclesie necessariis exponendas puniri ac multari ordino et constituo, et dictarum capellaniarum debilitate et fructuum ac reddituum exillitate consideratis : Nolo successorem prepositi vel alicuius capellani annatam vel onus aliud ratione mortis predecessoris sui seu quauis alia causa sed duntaxat reparaciones mansorum restituciones vtensilium petere quoquomodo vel exigere Quodque idem prepositus et capellani panem et vinum cotidie pro sacramento altaris ac eciam libros et ornamenta pro diuino cultu inibi congruencia et necessaria ac luminaria in consimili statu quo . . . [illegible] . . . et receperint deinceps sustinebunt suis sumptibus et expensis circa quorum defectus prepositus correctiones habeat eosque multabit prout supra Et insuper volo et eciam ordino quod prefati prepositus et capellani clerici et ministri qualibet secunda feriali vel alia vacante cuiuslibet ebdomide seruicium siue vigilias mortuorum in choro dicte ecclesie celebrari teneantur, et post offertorium cuiuslibet misse in ipsa ecclesia diebus ferialibus et aliis, submissa voce celebrande, psalmum De profundis, cum oracione fidelium, Deus etceteris, pro mea et prenominatarum personarum animabus, missam celebrans qui eciam populum ad orandum exhortetur, deuote dicere teneantur. In quorum omnium et singulorum fidem et testimonium ac perpetuam firmitatem huic scripto pro perpetuo duraturo fundacionis collegii antedicti Ego Alexander de Hvme de eodem miles antedictus [meum sigillum] vnacum sigillo Alexandri primogeniti et heredis mei apponi feci, et ad omnium predictorum corroboracionem et confirmacionem magis efficacem et erectionem collegii antedicti sigilla prefati reuerendi in Christo patris et domini domini Jacobi Sancti Andree episcopi et capituli sui Sancti Andree sunt appensa in domo capitulari monasterii Sancti Andree duodecimo die mensis Marcii Anno gracie Millesimo quadringentesimo tertio. [This date, although it is so written in the original, is evidently a clerical error, as certain references in the charter imply a much later date. The actual date of the document cannot be clearly ascertained, but from the allusion in the preceding charter of 22 August 1450 to the recently erected collegiate church of Dunglas, the present writ was probably granted a few years before, perhaps 1443.] The four seals which were once appended are now wanting.

124. Charter by King James the Second, under the great seal, confirming a charter (dated at Dunglas 5th August 1450) by Alexander Home lord of that of Ilk, knight, [the same granter as in the previous writ] granting to the Collegiate Church of Dunglas, those four husbandlands lying in the town of Chirnside and one merk's worth of land lying within the husbandry in cotlands of the value of one merk, and eight merks of annual rent from the four mainslands, from each mains two merks, lying in the town and territory of Chirnside in the earldom of March, and that for the souls of King James and of Bishop James Kennedy, Alexander Home the granter's father and others. To be held of the granter in perpetual almsgift he holding the same in fee and heritage. Witnesses, Alexander Home, the granter's firstborn son, Thomas and George Home, the granter's brothers, Patrick Sinclair rector of Aldhampstocks, John Otterburn Archpresbyter of the Collegiate Church of Dunbar, and others. Confirmation Charter dated at Falkland 22 August 1450. [Printed in Register of Great Seal 1424–1513, No. 389.] The original charter by Sir Alexander Home is still extant in the Home Charter Chest. Seal appended. Home arms, quartered with Pepdie. Supporters a horse or unicorn and griffin. Crest a deer's head and neck. Legend " S. ALEXANDRI DE HVME."

125. Charter by King James the Second, confirming a charter (dated at Hailes 7 August 1450) by Patrick of Hepburn lord of Hailes and of Aldhampstocks, granting to the Collegiate Church of Dunglas an annual rent of thirteen merks Scots to be uplifted from the town and territory of Auldhampstocks, for the welfare of the souls of King James, Bishop Kennedy, Sir Alexander Home of that Ilk, Robert Nesbit and William Chirnside. To be held in pure alms until the granter or his heirs can infeft the church in 12 merks of land in convenient places in the sheriffdom of Edinburgh or of Berwick, etc. Witnesses, William and George Hepburn, brothers of the granter, and others. Confirmation Charter dated at Falkland 22 August 1450; fragment of great seal remaining. [Printed *ut supra*, No. 387.]

126. Charter by King James the Second under the great seal confirming a charter (dated at Jedburgh 26 April 1451) by William Earl of Douglas and Avandale &c. [now deceased] granting to the Collegiate Church of Dunglas one husband land lying in the town and territory of Hutton, as formerly possessed by Andrew Tait and resigned by him, also the parish church of Hutton and hospital of the same; with the advowson of the church and hospital to Sir Alexander Hume knight; To be held to the said church, and the advowson to Sir Alexander Hume, in pure alms for the welfare of the granter's soul and that of Margaret his spouse, etc. No witnesses to the earl's charter. Confirmation Charter, which does not appear in the extant record of the great seal, is dated at Wigtown 25 May 1458. Witnesses George Bishop of Brechin, Chancellor, Thomas bishop of Galloway, James Lord Livingstone, William Murray of Tullibardine, and Ninian Spot, comptroller.

127. Charter under the great seal by King James the Second granting, on behalf of King James [the First] and Queen Joanna, his father and mother, and also of himself and Marie his consort, to the College of Dunglas and the sustenance of the chaplains there, the lands of Trefontanis in the earldom of March and sheriffdom of Berwick. To be held in pure alms. Dated at Edinburgh 11th January 1451–2. Fragment of great seal still appended. [Cf. Printed Register of Great Seal, vol. 1424–1513, No. 520.]

128. Bull by Pope Nicolas the Fifth narrating the terms of a petition made to the Papal See by Alexander Home, knight, lord of Home, to the effect that he desiring by a happy commerce to change earthly things into heavenly and temporal into eternal, had, for the welfare of his own soul and those of his progenitors and friends, of the goods granted him by God, caused a church to be built in the town of Dunglas in St. Andrews diocese to the honour of Mary the mother of Jesus, and at his own cost to be constructed in a goodly manner; and had founded and endowed it for certain persons serving there, with one provost who should preside, with consent of James Bishop of St. Andrews and under certain conditions; having also procured authority for its erection into a Collegiate Church, the right of patronage and presentation &c. being reserved to the granter, his heirs and successors, the petitioner humbly prays the Papal See to confirm the building, erection and endowment, which the Pope does in set form, confirming and approving the same. Further considering that the whole rents assigned for the foundation and endowment of the church are not wholly sufficient, and understanding that the rectory of the parish church of Dunglas so abounds in wealth that the rector for the time can be sufficiently provided for life, without the greater and lesser teinds, and

desiring that the Provost of the said church of St. Mary and other persons there should be fitly provided, the Pope appropriates and applies the greater and lesser teinds of the rectory, estimated at the yearly value of 5*l.* sterling, to the use of the said provost and others, without prejudice to the rights of the rectory or similar benefices; providing that the parish church shall not be defrauded of its funeral dues &c. Given at Rome 2nd January 1450–51.

129. Presentation by Patrick Hepburn, tutor lawful and heir of Patrick Earl of Bothwell his nephew, narrating that he had granted to Sir Archibald Ellem, chaplain that prebend of 13 merks lying in the town and territory of Aldhampstocks, founded in the collegiate church of Dunglas, vacant by the death of Sir Andrew Dikkyson, last possessor; therefore presenting the grantee to Mr. James Haliburton, Provost of the College to be admitted, provided, placed in possession and properly installed in the choir and in his place in the chapter. Dated and signed by the granter at Hailes 27 May 1515. George Home [brother and] apparent heir of Alexander Lord Home being a witness. Signed "Patrik mast⁹ off halis." Seal attached. Shield couché on a chevron two lions pulling at a rose; an anchor in base. Crest, a horse's head and neck. Legend "S. Patrici Hepburn de Dungalston (?)."

Writs relating to the Priory of Eccles.

130. Letters under the quarter seal, by King James the Fifth directed to the Prioress and convent of Eccles, narrating that as the office of bailiary of Eccles conferred by the Prioress and convent upon the late Alexander Lord Home, father of George Home, has fallen in the king's hands by the forfeiture of Lord Home for treason, and as the king is unwilling that the convent be prejudiced by such forfeiture in its superiority of said office, he presents to the Prioress &c. the said George Home, with consent of John Duke of Albany, governor of the kingdom, that he may receive and be infeft in the office of hereditary bailie of the convent. Edinburgh — August 1522.

131. Instrument of Sasine following on a precept in a charter (dated at Eccles 8 May 1567) by [Marion Hamilton], Prioress of Eccles, granting to Alexander Hamilton of Innerwick, the lands of the town of Eccles extending to sixteen husband lands, also the lands of the mains of Eccles, extending to other sixteen husband lands, with mill &c. [in the county of Berwick.] Sasine given on 14 May 1567, by George Home of Broxmouth as bailie, witnesses, Gilbert Wauchop of Stottencleuch, James Lauder of Muircleuch, James Hamilton in Westhall, and others, including Robert Fraynche, minister of the word of God.

132. Lease by Dame Marion Hamilton, Prioress of Eccles, with consent of the convent, in favour of Alexander Hamilton son and apparent heir of Alexander Hamilton of Innerwick, granting to him the teind-sheaves parsonage and vicarage of their four kirks and parishes called "our Lady parochin, Sanct Johnnis parochin, the Magdalein and Sanct Cudbertis parochinnis" belonging to the said Priory of Eccles, for the term of nineteen years from the date hereof, namely of the town and lands of Eccles and the mains, and all other lands within the four parishes; to be enjoyed by the lessee during the said term; reserving always to the Prioress the fruits of the parsonage and vicarage of Bothkennar with the kirklands, during her lifetime; for which teinds the lessee shall pay the pensions and portions yearly and termly from Whit-

sunday next to the whole sisters of the said place during their lives; because Alexander Hamilton of Innerwick father of the lessee has paid to the Prioress and convent certain great sums of money, which they acknowledge and now discharge; and the lessee shall relieve the Prioress of the third of the Abbey, at the hands of the king and his comptroller, and of the contribution for the Lords of Session, yearly, in respect of the whole payment; the said lessee being bound to pay no rent or duty for the said teinds, but only the pensions of the sisters as long as they live, and after their deaths he shall pay to the possessors of the Abbey 200 merks yearly, Scots money. Dated and sealed at the said Abbey 11 December 1567. The sisters, seven in number including the Prioress, sign by a notary. Their names are Marion Hamilton, Prioress, Katherine Dickson, Katherine Graden, Giles Palmer, Marion Douglas, Elizabeth Schoriswood and Marion Cranston. Seal attached. Small oval, "Virgin and Child."

133. Similar lease by the Prioress to Alexander Hamilton of Innerwick, conceived in precisely the same terms, except that the lessee is to relieve the Abbey of the third, at the *queen's* hands instead of the *king's*. Ten members of the convent sign by a notary, on 8th March 1567–8, the names of the three additional sisters being Clara Napier, Janet Sinclair and Agnes Hog. Seal attached.

134. Letters under the quarter seal of King James the Sixth with consent of James Earl of Murray, Regent, narrating that as the sixteen husband lands of Eccles and also the mains of Eccles, bounded by the lands of Alexander Lord Home, called Stanrig and Wrangomhill on the east, the lands of Shiells belonging to Patrick Home of Reidbraes on the south, the lands of Brangaswalls belonging to John Home of Coldenknowes, knight, and the lands of Ednam belonging to John Edmonstone of that Ilk on the west, and the lands of Dudrig belonging to George Home of Ayton on the north, within the lordship of Eccles and sheriffdom of Berwick, which were held in feufarm from the Prioress and Convent of Eccles by Alexander Hamilton of Innerwick, were now by reason of his forfeiture for treason, in the hands of the king, the latter being unwilling that the Convent should suffer loss, presents Alexander Lord Home to the Prioress as a tenant in the lands of Eccles, &c. At Edinburgh 30th May 1568. Part of seal remaining. [A duplicate of the above was issued on 30th June 1568.]

135. Letters by Alexander Lord Home appointing procurators to appear for him in presence of Dame Marion Hamilton prioress of the Abbey of Eccles and present to her a charter of feufarm by her and the convent in favour of Lord Home of the lands and mains of Eccles, which had been granted in feu to Alexander Hamilton of Innerwick and were now forfeited to the King, the said charter being in conformity with the King's presentation, and to desire her to subscribe the charter; also, if she refused to do this, to make formal protest that Lord Home may have his legal remedy. At Edinburgh 20 August 1568. Witnesses Gilbert Gray, provost of Foulis and others. Signed "Alex^{r} l. Home." Signet impressed—a lion rampant for Home. Endorsed is a notarial statement narrating the presentation of the charter in due form to the Prioress, who replied that she had formerly given right in the said lands and mill to Alexander Hamilton of Innerwick, and could not make two rights thereof and accordingly she refused to sign the charter to Lord Home, whose procurator then protested. Done at Bothkennar on 23 August 1568.

MSS. OF THE EARL OF HOME.

136. Lease by the said Dame Marion Hamilton, Prioress of Eccles, granting to Alexander Lord Home, heritable and principal bailie of the Abbacy for his services, &c. the teind sheaves of the lands and mains of Birgham, lands of Fairnyrig, and Whitrig lying in the sheriffdom of Berwick, with the teind sheaves of the lands held by Lord Home from the Abbey ; to be held to him in lease for the space of five years, without payment of any yearly or other duty for that period. Dated at Thornton, the day and year being blank. The prioress signs by a notary. [156–.] A duplicate is dated 1st September 1564.

137. A document, of which the date cannot be clearly ascertained, but which may be inserted here.

Letters by Alexander Lord Home, bailie heritable of all the lands and heritages belonging and annexed to the Abbey of Eccles, directed to his officers, narrating a complaint made to him by his "derrast cusygnes Dame Elezabeth Hum priorice of the said Abbay of Ecclis nunray" that though she is provided by the Court of Rome in the said Priory, yet the rents and emoluments are withheld wrongfully from her and her convent by the intrusion of one Dame Marion Hamilton alleging herself prioress, who has dilapidated and is daily dilapidating and wasting the patrimony of the Abbey, whereby the complainant and the convent can get no living and are reduced to poverty ; further that the parties had consented that the whole rents &c. of the benefice should be placed in neutral hands until it be decided to whom the Abbey shall belong, the buildings meanwhile being kept up : in terms of which and a petition by the parties, Lord Home directs his officers to arrest and secure the rents and grain belonging to the Abbey in the hands of the various tenants, especially of the current crop, under the usual penalties. This writ which is apparently a copy, is unsigned and the day of date is blank, the year being given as 1509, which appears to be erroneous.

138. Extract Decree by the lords of council and session in an action by Dame Marion Hamilton prioress of Eccles against Sir James Home of Sinlaws, knight, who claimed a right to a third of the rents of the Abbacy under a five years tack of the same from the king's comptroller. The parties appeared, as also Lord Home for his interest, and the Court decided that the kirk and ministers are to receive their third of the abbacy without reference to any leases by the Comptroller or any other, and they discharged any action taken by Sir James Home against the Prioress. Edinburgh 16 December 1570.

139. Lease by Mr. James Home, Commendator of the Priory of Eccles, in favour of Alexander Lord Home in liferent and of his heirs after his death, whom failing the granter's heirs, whom failing, of Sir James Home of Coldenknowes the granter's father, granting to them in succession the teindsheaves of the four parishes abovenamed [No. 132 supra], excepting the 32 husbandlands of Eccles, and the lands of Mersington belonging to Sir James Home, for a term of 19 years from Lammas 1588, at a yearly rent of 113*l.* 6*s.* 8*d.* Scots. Dated at Edinburgh 4 August 1588. John Home of Carolside, George Home portioner of Gullane and others, witnesses.

140. Lease by the same Commendator of the same teindsheaves in favour of his own eldest son and apparent heir, George Home, and his heirs male for 19 years, at the same rental. Dated at Eccles 19 June 1601. Two seals attached—one of the Priory, the other that of the granter.

141. Charter under the great seal of King James the Sixth constituting and appointing Mr. Alexander Home lawful son of the late David Home minister of the Church of Coldinghame, to be commendator and Abbot of the Abbacy of Eccles and the teinds &c.; which formerly belonged to Mr. James Home Commendator of the said Abbacy, and are now in the king's hands because of the said Mr. James being on 1st and 3 May 1604 put to the horn at the instance of Marion Lumsden, relict of the late John Haitlie of Mellerstanes, James Haitlie now of Mellerstanes his son and their kinsmen and friends, and his remaining unrelaxed, etc. giving and granting the said Abbacy to the said Mr. Alexander Home, with appropriate dignity, and full powers over the benefice, &c. At Edinburgh 7 November 1607. Great seal attached.

142. Assignation by Sir George Home of Pincartoun, knight, granting with consent of Sir James Home of Eccles his father, and assigning to Sir John Home of Blacader the tack or lease of the teinds of Eccles made to the granter by his father on 19 June 1601 [No. 140 supra]. Dated at Eccles 10th December 1616. Witnesses Mr. Alexander Home, minister at Eccles, Alexander Home, the granter's lawful brother, and others.

143. Extract Decree of the Parliamentary Commissioners for the Plantation of Kirks, narrating that they had provided for the kirk of Eccles a constant stipend of 800 merks Scots money yearly, payment of which they had imposed upon Sir George Home of Pincartoun, in whose favour the priory of Eccles had been erected, and for his relief they had ordained Alexander Earl of Home to renounce his tack of the vicarage and parsonage teinds [as in No. 139 supra] so far as regards the vicarage teinds, in return for which they extend his lease of the parsonage teinds for other nineteen years. Edinburgh 18th February 1618.

144. Assignation by William Home lessee of the teinds of Eccles under a lease from his brother Mr. Alexander Home [cf. No. 141 supra] of date 3 August 1620, assigning his rights and lease in favour of Alexander Foulis apparent of Collinton; also substituting the grantee in his interest in an action at the instance of the king's advocate and the granter against James now Earl of Home as heir of his father Alexander Earl of Home, for reduction of their rights. At Edinburgh 26 June 1622.

145. Charter under the great seal by King James the Sixth constituting and appointing Mr. John Home, provost of Dunglas as Commendator of Eccles, in place of Mr. Alexander Home [as in No. 141 supra]. Given at Edinburgh 17 September 1622.

146. Signature under the sign manual of King James the Sixth for a charter under the great seal, narrating "That the monasticall superstition for the quhilk the Abbacies and Priories of auld were erectit and foundit ar now be the lawis of this Realme alluterlie abolishit" and their patrimonies annexed to the Crown; also that the Parliament held at Edinburgh 24 June 1609, in consideration of the good service of Sir George Home now of Eccles, knight, and the late Sir James Home of Coldenknowes, knight, his grandfather, captain and keeper of the Castle of Edinburgh, both in his Majesty's private matters and in the public affairs of Scotland, had by a special act disjoined the temporalities of the Priory of Eccles from the Crown, together with the parish church

of Eccles called the Lady Kirk, with the chaplainries called St. Johns, St. Cuthberts and St. Magdalens chapels, lying in the sheriffdom of Berwick, and the parish kirk of Bothkennar in the shire of Stirling; also considering that Mr. Alexander Home, Commendator of the Abbey, had resigned in the king's hands the monastery and manor place of the Abbey with "the mansion thereof now callit the new wark" and the churches above written, his Majesty grants to the said Sir George Home now of Eccles, the lands following formerly belonging to the priory, the lands of Eccles, the mains of Eccles, half a husband land in Burnhouses, a husband land in Ernislaw, a croft in Darnchester, a croft in the west end of Liten, a half husband land and two crofts also in Liten, the Nuncroft in the town of Birgham, a husband land in Banguswalls, a half husbandland called the Nuncrofts in Hassington, a quarter land called the Nuncroft on the north side of Mersington, a husbandland at the west end of Mersington, two husbandlands called the Numbank occupied by James Dounil in Byrecleuch, a husband land called Lynntroddland, the moss called the Nun-moss on the west side of Fawside, the myre or meddow called the Nunmyre within the lands of Todrig, all lying in the sheriffdom of Berwick; three husbandlands of Wenside lying in the constabulary of Haddington and shire of Edinburgh; four husbandlands of Grubethauch, two husbandlands in Langnewton, two husband lands in Stitchell with twenty two "sowmis" of goods to be pastured in the lordship of Stitchell, lying within the shire of Roxburgh; pertaining to the priory of Eccles, together with the advowsons of the four churches named: All which lands &c. the king has united and erected into one whole and free barony to be called the Barony of Eccles, dissolving the monastery for ever, discharging payment of all monks' portions and pensions for ever and providing that the barony shall henceforth be taxed as a temporal lordship only; farther, dissolving the rectories or parsonage teinds of said churches from the Abbacy and erecting them into the churches of Eccles or Lady Kirk comprehending the chapels, and Bothkennar. To be held the whole lands of Eccles and others as described, to the said Sir George Home and his heirs of the king and his successors in blench farm. Day, year and place of signature left blank.

147. Signature under the sign manual of King Charles the Second for a charter under the Great Seal to be made in favour of James Earl of Home heir male and of tailzie to the late James Earl of Home, last deceased, who was assignee of the late Sir George Home younger of Eccles and to his heirs male etc., of the parish kirk and parish of Eccles called Ladykirk, with the three chapels as before described, with the advowson of said church, and the teindsheaves (except those of 16 husband land sometime belonging to the late Sir George Home of Eccles and now to Sir James Home of Eccles his son) all which the late Sir George assigned to the late Earl of Home on 17th December 1624 and 6th February 1625; his Majesty grants the same of new to James Earl of Home to be held in blenchfarm for 40*d.* Scots yearly. Dated at Whitehall 30 June 1664.

148. Among miscellaneous papers under this head may be noted Copy of Orders by the Commissioners under the Commonwealth for visiting Universities and placing and displacing ministers. (1) Order to the effect that as Mr. Andrew Rutherford is elected minister at Eccles and "hath a laufull call by certain Godly and welaffected persons in the said parish to exercise his ministeriall dutyes" the Commissioners approve, and authorise him to uplift the stipend, forbidding any one

to disturb him in his parish, providing that he shall not revile the Government nor keep the people disaffected by praying or preaching against it. At Edinburgh 10 July 1654. (2) An order by the same, that as Mr. Andrew Rutherford is established in Eccles, the Commissioners desire the conjoint sheriffs of Berwickshire to prevent Mr. John Jameson (a former minister) from preaching in the parish to Mr. Rutherford's disturbance. 24 July 1654. (3) A summons to Mr. John Jameson to appear before the Protector's Council on 7th February 1655-6. Dated 1st February 1656 and served upon him in his "chalmer in the Tofts." (4) Order by the Council that in regard Mr. Jameson has preached on the borders of the parish of Eccles, and "taken a libertie to renew the memorie of Charles Steuart to his auditors to stir vp their affection to him" the Council require that he shall not preach any more in the parish or on the borders of it. 8th February 1656.

Lands of Eltrive.

149. Contract between Alexander Lord Home on the one part and Robert Scott of Thirlestane on the other part, by which Lord Home alienates and dispones to Robert Scott the lands of Eltrieff and Corsecleuch lying within the lordship of Ettrick Forest and sheriffdom of Selkirk presently occupied by Scott and of which he and his predecessors have ever been kindly tenants, Lord Home binding himself to infeft Scott in due form; to hold of the King for a yearly payment for Eltrieff of 50*l.*, and for Corsecleuch of 12*l.* yearly payable at "Bartillismes and Anderismes" (St. Bartholomew's day—24 August, and St. Andrew's day—30th November) in name of feufarm; under reversion to be granted by Robert Scott to Lord Home for redemption of the lands. Lord Home, also, considering that Scott and his predecessors have ever been kindly tenants and possessors of the lands, agrees that this contract shall not in any way prejudice their interests; further if at any time he should alienate any other "rowme" in Ettrick Forest to any person without reversion, he binds himself either to dispone the reversion of Eltrieff and Corsecleuch to Scott, or if they have been redeemed, to dispone the feu to him, the value of the buildings on the lands being estimated by four men, two wrights and two masons: For which Scott binds himself to pay to Lord Home 1,000 merks Scots, as arranged. Dated and signed by the parties at Edinburgh, 19th December 1590. [The writ is much torn and mutilated.] A valuation in terms of the above was made on 12 April 1623, but the document is too much destroyed to be intelligible, and in February and March 1632 preparation for redemption was made by summoning Robert Scott, son of the late Walter Scott of Burnfoot, and John Scott, son and heir of the late Sir Robert Scott of Thirlestane, knight, to appear in St. Giles Church, Edinburgh, to receive the 1,000 merks principal and seven hundred additional, as the value of the house at Eltrieff, for the redemption of Eltrieff and Corsecleuch.

Bailiary of Eskdale.

150. Charter under the great seal, by King James the Fourth, granting to Alexander Lord Home, Great Chamberlain of Scotland, the office of bailiary of the lordship of Eskdale in the sheriffdom of Dumfries; To be held to Lord Home and his heirs of the king and his successors in fee and heritage; with the usual powers. At Linlithgow

2nd August 1495. Witnesses Robert Archbishop of Glasgow, Archibald Earl of Angus, Chancellor, Archibald Earl of Argyll, Patrick Earl of Bothwell, John Lord Drummond, George Abbot of Dunfermline, George Abbot of Paisley, and Mr. John Fraser, dean of Restalrig. [This charter does not appear in the extant Register of the great seal. It was followed by a precept of sasine of same date, and by formal infeftment on 24th September 1495, given on the lands of Staplegorton, at a spot on this side of the cemetery of the church there, in the lordship of Eskdale, before John Lindesay Master of Crawford, Alexander Seton of Tullibody, Bartholomew Glendinning, son and heir of the Laird of Glendinning, and others, witnesses.]

Ewesdale.

151. Notarial copy of a charter by George Lord Home, granting and letting in feufarm to Ninian Armestrang and David Armestrang and their heirs and assignees of equal or lesser rank, all and whole his 40*l.* land of the upper parish of Ewesdale called the Over parish, lying in the sheriffdom of Dumfries; To be held with the whole pertinents including one half of the herezelds (due by the tenants) to the grantees for a yearly payment of 20 merks Scots in feufarm, with service at the granter's courts in Ewesdale and other homages. Dated at Home 10th June 1528. On 22 October 1566, Ninian Armestrang, son and heir of the said late David Armestrang, produced the principal charter in presence of Alexander Lord Home, declaring it to be the old principal charter, and it was duly copied.

152. Signature [unsigned and undated] by King James the Sixth, for a charter to be granted under the great seal to Alexander Earl of Home, giving to him for his good service, the lands and lordship of Ewesdale containing the lands of Fiddiltown, Blackhall, Glenvorrane, Glenrauchan, Hardway, Mosspaul, Unthank, Mosspeble and others in said lordship, with advowsons of the churches, especially of those called the "Over and Nethir kirkis," etc., lying in the sheriffdom of Dumfries; Likewise the 10*l.* lands of old extent of the said lands of Ewesdale, comprehending the lands of Meikledale, Arkleton, Torona, Flask, Howgill, Glendovane, Sorbie, Burngrains, Bus, Bliss, and Easter, Wester and Middle Wræs, lying in the said lordship and sheriffdom; which some time belonged to the late John Lindesay, some time of Wauchope, and were forfeited by him to King James the Fourth, who disponed them to Alexander lord Home, grandfather's brother of the Earl [cf. Register of great seal, printed vol. 1424–1513, No. 2962] and by him they were forfeited to King James the Fifth who bestowed them on Robert Lord Maxwell; the first series of lands named having been resigned by their proprietor the Earl of Home, and the second series forfeited by John Lord Maxwell, the king now grants the whole to the Earl of Home and unites the whole lands into one barony to be called the Barony of Ewesdale; To be held for services due and wont. [Date blank, but if the grant was ever completed it must have been between 1607 and 1619.]

Lands of Fogo and Gordon, etc.

153. Letters of Lease by Alexander Seton of Tullibody granting to Alexander Home, grandson and apparent heir of Sir Alexander Home of that Ilk, knight, the lands of Fogo, in the sheriffdom of Berwick,

in lease for the space of eight years from date at a yearly rental of 40 merks and a half Scots; with power to appoint sub-tenants, etc. Sealed at Dunglas 3 April 1473. Seal impressed; broken. Shield showing, apparently quarterly, 1st and 4th, three crescents, two and one, for Seton, without the royal tressure; 2 and 3rd three shields, two and one, for Hay.

154. Precept of Sasine by George Earl of Huntly, lord Gordon, directed to Alexander Cockburn of Langton, Adam Nisbet of that Ilk, and others, as bailies to infeft Alexander Ramsay of Dalwolsy, in terms of a charter of sale, in the half of the lands of Fogo, lying in the sheriffdom of Berwick. Dated at Edinburgh 16 December 1480. Seal attached, quarterly 1st 3 boars' heads for Gordon; 2nd 3 lions' heads for Badenoch; 3rd three crescents in royal tressure; 4th three cinquefoils. Crest a buck's head.

155. Letter of Reversion by the above Alexander Ramsay to the said Earl of Huntly, binding himself that when the Earl or his heirs paid to Ramsay or his heirs the sum of 400 merks Scots, in the collegiate church of St. Giles, Edinburgh, on the altar there of the Holy Cross "de Lucano," then the granter and his heirs shall resign in the Earl's favour the said half land of Fogo, sold under reversion. At Edinburgh 17 December 1480, witnesses, James Innes of that Ilk, Alexander Seton of Meldrum, Robert Ramsay of Cockpen, William Dudingston of that Ilk and others. Seal attached. Eagle displayed. Legend "S. ALEXANDRI RAMSAY."

156. Charter by the said George Earl of Huntly, granting, for services done to himself and Alexander his eldest son, to Alexander Home of that Ilk, the half lands of Fogo in the Earldom of Huntly and sheriffdom of Berwick; To be held to the grantee and his heirs male, whom failing, to John Home brother german of the grantee, &c. whom failing to George Home uncle of the said Alexander and John, &c. whom failing, to their heirs whomsoever of the name of Home, succeeding hereditarily or by entail to the lordship of Home, of the Earl of Huntly and his heirs in fee and heritage for ward and relief and services due and wont. Dated at Kildrummy 16 September 1483, witnesses Alexander Gordon, the granter's firstborn son, James Ogilvy of Drumnaketh, Walter Ogilvy of Auchleven, William Keith of "Ythe" and others. Seal attached, *ut supra*. [A precept of sasine of same date, was followed by an instrument of sasine given on the lands by Patrick Home of Polwarth as bailie, 25 September 1483; witnesses George Cranston of Harlaw, Alexander Hately of Lambden, and others.]

157. Letters of Resignation by Alexander Ramsay of Dalwolsy knight, narrating that his father the late Alexander Ramsay had received a charter from George Earl of Huntly of the lands of Fogo, under reversion [cf. Nos. 154 and 156 supra] and that as the sum of 400 merks had now been paid to him as heir to his father he therefore with consent of Elizabeth Douglas his mother appoints Robert Lundy of Balgonie, Peter Crichton of "the Powis," Robert Colville, director of Chancery, Symon of Hill, Archibald Inglis and Patrick Heriot, as his procurators for resigning the said lands into the hands of the Earl of Huntly to be at the latter's disposal. Dated at Edinburgh 1st July 1494; witnesses John Ogilvy of Fingask, Robert Douglas of Lochleven, David Berclay of Cullerny, George Home of Aytoun, Master Henry

Lindsay, Peter Carmichael and others. Signed "Alyxsand9 ramsay." Seal attached, defaced.

158. Charter by the same Alexander Ramsay of Dalwolsy, knight, with consent of his mother, granting and alienating to Alexander Lord Home, for a sum of money, the half lands of Fogo; to be held blench of the granter. Dated at Edinburgh 1st July 1494. Same witnesses as in previous writ. Same signature. Two seals attached, the first, An eagle displayed. "S. Alexandri Ramsay"; the second, bearing a buckle between three stars, two and one. "S. Elisabit Dovglas." [This was followed by Precept of Sasine of date 2nd July 1494. Addressed to Adam Crichton, son and apparent heir of James Crichton of Ruthvendavy, and others to act as bailies.]

159. Obligation by Archibald Earl of Angus Chancellor of Scotland, Alexander Ramsay of Dalwolsy, knight, and George Home of Aytoun Curator of the said Alexander, binding themselves to Alexander Lord Home, great Chamberlain of Scotland, that as Alexander Ramsay has sold to Lord Home his half of the lands of Fogo, and has duly resigned the same and given charter and sasine accordingly, and because Lord Home has paid to Ramsay the sum of 400 merks Scots, [Cf. No. 9 of this Report] which sum Sir Alexander has by the advice of the Earl of Angus and George Home of Aytoun delivered to his sister Elizabeth Ramsay for her marriage; therefore the said Sir Alexander Ramsay or his heirs of line or tailzie shall at his and their lawful age ratify and approve the said charter and precept of sasine made to Lord Home and also the letter of procuratory for resigning the lands; and if Sir Alexander or his heirs will not do this on being required, then the parties bind themselves to repay to Lord Home the sum paid by him, giving security over their lands to that effect. Dated at Edinburgh 5th July 1494. Same witnesses as in preceding writs. Signed "A erl of Angus" "Alyxsander Ramsay" "George Hovm of Eyton." Two seals attached—those of the Earl of Angus and Sir Alexander Ramsay—the third seal being wanting.

160. Charter by Alexander Earl of Huntly, granting to Alexander Lord Home, great chamberlain of Scotland, the half lands of Fogo, which had been resigned by Alexander Ramsay of Dalwolsy knight. To be held of the granter in fee and heritage for payment of one penny at Whitsunday yearly in blench farm if asked. Dated at Edinburgh 14 March 1503. Witnesses Alexander Irvine of Drum, Alexander Gordon of Megmar, Walter Ogilvy of Boyne, Adam Crichton of Rothven, knights, and others. Signed "Alex^{r} Erle of huntle." Seal attached. Same arms as before. Supporters two hounds. [Infeftment on this Charter was given on 23 July 1505, by Thomas Huntly as bailie.]

161. Letters by Alexander of Seton Lord of Tullibody and of the lordship of Gordons, Fogo and Huntly, setting and leasing to "a vorschipfull man" Sir Alexander Home of that Ilk, all his lands of the lordship of Gordons, Fogo and Huntly, namely, Remilton, Heespeth, Fawside, Wolstruther, Mellerstains and Faunes, for all the terms of the grantee's life, at the same yearly rental as at present. At Edinburgh 7 August 1471.

162. Instrument under the hand of a notary narrating that Alexander Seton of Tullibody, of his own free will and by advice of the two lords afternamed, in due form, for himself and his heirs renounced his whole lands of Fogo and whole lands of Easter Gordon, except the 5*l.* lands

of the mains of Easter Gordon, with charters thereupon resigning them in favour of his brother George Earl of Huntly etc. for the half lands of Tullibody and the lands of Touch-Fraser; reserving to the granter the mains of Easter Gordon and the lands of Mellerstains, Ramilton, Hexpeth, Wolstruther, and Fawns, in the sheriffdom of Berwick: Upon which Mr. Gilbert Hay of Ury in name of the Earl asked instruments. Done in the collegiate church of St. Giles, Edinburgh, on 14th June 1480, in presence of Thomas Lord Erskine, Alexander Lord Home, Alexander, son and apparent heir of Lord Erskine.

163. Precept under the quarter seal by King James the Fourth, in terms of a charter, for infefting Alexander Gordon, son and apparent heir of George Earl of Huntly, in the lands [and lordships of Huntly and Gordon in the sheriffdom of Berwick, which had been resigned by the Earl in the king's hands. The precept is dated at Stirling 13 June [1490] and is directed *inter alios*, to Alexander Home of that Ilk and John Home of Ersilton. [The latter, on 9th August 1490, in terms of the precept, passed to a house in the Easter town of Gordon, and when the precept was read by the notary he passed to the ground where, as was said, the principal mansion of the whole lordship of Huntly and Gordon was formerly situated, and there gave sasine in due form to the attorney for the grantee. Witnesses, Robert French of Thornydikes, William Haig, son and heir apparent of James Haig of Bemerside, and others.]

164. Letters of Obligation by Alexander Lord Gordon, master of Huntly, to the effect that as he had made Alexander Home of that Ilk, great chamberlain of Scotland, his procurator to redeem and outquit the lands of Eastshaw, Westshaw and Piperland, lying in Touch Fraser in the sheriffdom of Stirling, from Humfrey Colquhoun of Luss, and to resign these lands in favour of Alexander Seton of Tullibody, and thereafter to receive from him resignation of the mains of Gordon in the sheriffdom of Berwick; wherefore Lord Gordon binds himself within forty days after the redemption of Eastshaw &c. to infeft Alexander Home and his heirs in the lands of the mains of Gordon, under reversion for redemption on payment of 100 merks Scots; and if Lord Gordon fail in this he binds himself to pay 1,000 merks. At Edinburgh 26 March 1491. No witnesses. Signed "Allex^{r} lord gordo." Seal impressed, in a very broken condition, bearing quarterly, 1st Gordon, 2nd Badenoch and 4th Seton, the third quarter being broken off. [On 1st April 1493, Alexander Lord Gordon signed a precept of sasine in terms of a charter, to Alexander Home of that ilk of the mains of Gordon, and on 23 March 1493–4, infeftment in the lands was given to him under the title of Alexander Lord Home, his eldest son Alexander acting as attorney.]

165. Charter by the same Alexander Lord Gordon granting to Alexander Lord Home, great chamberlain of Scotland (the same grantee as in the preceding writ) three husbandlands, as described, in the town and lordship of Gordon extending yearly to 40*s*. of lands, with the right of patronage of the chaplainry or chantry of the chapel of the Virgin Mary of Huntly lying in the same lordship within the sheriffdom of Berwick; To be held of the granter and his heirs in fee and heritage, for one yearly suit in the chief court of the lordship of Gordon, after Christmas, with ward and relief. At Inverness 8th November 1492. Witnesses, Alexander Gordon and Thomas Turnbull, knights, Walter Ogilvy of Boyne and others. Signed along with a precept of same

date, by granter. [Sasine given on 26th March 1493 at the manor place of John Short, occupier of two of the husbandlands, in presence of him and other witnesses.]

166. Agreement between Alexander Lord Home on the one part and Alexander Lord Gordon, to the effect that the latter shall wadset or mortgage ten pounds worth of his lands in Easter Gordon to the former for the sum of 300 merks Scots, and shall deliver a charter of the lands in Dundee on 24 July next [cf. No. 10 of this Report] for which charter Lord Home has paid in advance 100 merks and shall pay the remainder in Dundee and grant reversion of the lands, as narrated in the previous writ referred to. Written in duplicate and signed interchangeably by the parties, this copy being signed by "Alex^{r} lord Gordo" at Kilkerran in Kintyre 28 June 1498. Witnesses Sir Patrick Home of Polwarth, knight, George Gordon, John Garrioch, John Crichton and Walter Chapman notary public.

167. Charter, in terms of the above agreement, by Alexander Lord Gordon, granting to Lord Home land in Easter Gordon of the yearly value of 10*l.* Scots. To be held blench of the granter. At Dundee 24 July 1498. Not signed. Seal appended, perhaps by a procurator. Witnesses, Adam Crichton of Felde, knight, Patrick Heriot. [Sasine in the lands was given on 10 August 1498.]

168. Signature or letters under the Signet of King James the Fourth addressed to William (Elphinstone), Bishop of Aberdeen, keeper of the Privy Seal, narrating that the king had confirmed and approved three charters (1) Charter by the late George Earl of Huntly to Alexander Lord Home, of the half lands of Fogo in the earldom of Huntly and sheriffdom of Berwick (2) Charter of Sale by Alexander Lord Gordon, then Master of Huntly, to Lord Home of the mains of Gordon, and (3) Charter by the same to the same, of three husbandlands in the town and lordship of Gordon, with the patronage of the chantry of St. Mary's Chapel of Huntly; and that for the services done by Lord Home the king grants for himself and his successors that the taking of sasine by Lord Home before the king's confirmation shall not prejudice him nor his heirs, but that the confirmation shall be of as full force as if it had been made before the sasine was taken, so that the king or his successors may claim in future no right to the lands on the ground of alienation without the royal confirmation or consent; wherefore the keeper of the privy seal is commanded to prepare a charter of confirmation to Lord Home in more ample form. At Edinburgh, 1st April [1503].

169. Series of Letters of bailiary over the preceding lands (1) Letters by Alexander Seton of Tullibody appointing Sir Alexander Home of that Ilk, knight, his bailie for life, over all his lands of the lordship of Gordon, Fogo and Huntly, with full powers; given and sealed at Home 7 November 1471. Witnesses, Alexander Cockburn of Langton, Patrick Nisbet, Eumond Ogill and others. (2) Similar letter by George Earl of Huntly appointing Sir Alexander Home of that Ilk and his heir apparent Alexander Home as bailies over the Earl's lands of Fogo for the term of six years, reserving the mill and its tenants: with the usual powers. Dated at Aberdeen 27 July 1472. Signed "Georg erl of howntle." In absence of the Earl's seal, that of his kinsman and squire Walter Ogilvy of Auchleven is impressed—now broken—but shewing, quarterly 1st and 4th an engrailed cross; 2 and 3 a lion passant; over all, in centre of shield, a crescent. (3) Similar letter

by Alexander Seton to Alexander Home, grandson and heir of Sir Alexander Home, for life, over the lands of Gordon, Fogo and Huntly. At Dunglas, 1st April 1473. Seal impressed. Witnesses Patrick Dunbar, Alexander of Cockburn, Robert French of Thornydikes and others. (4) Similar letter to the said Alexander Home by George Earl of Huntly, as bailie for life of the Earl's lands of Gordon and Fogo. Dated and signed at Redpath on 21st July 1482, the seal of James Ogilvy of Findlater being impressed on behalf of the Earl. Witnesses, William Keith, son and apparent heir of Gilbert Keith of Inverugil, knight, Walter Ogilvy of Auchleven, John Home of Crailing, David Ogilvy of Tollmade. [On the same day and before the same witnesses, the Earl of Huntly granted to the same Alexander Home a lease for life of the lands of Fogo with the whole bailiary of Gordon and Fogo, with power to output and input tenants and deal with the lands as he pleases, for a yearly rental of 40 merks Scots; for which lease and bailiary Alexander Home is bound in manrent service to the Earl.]

170. Precept of Clare Constat by Alexander Earl of Huntly for infefting Alexander Home as nearest and lawful heir of his father the late Alexander Lord Home, great chamberlain, in three husband lands in East Gordon with the advowson of the chantry of Huntly, also the lands and wood of Huntlywood, with the "Forsterstede" and the mains of Gordon, five husband lands in the Middle third part of East Gordon and five husband lands in the east part of Easter Gordon, also three husband lands in Todrig and the lands of Fogo and Ramiltonlaw, all lying in the lordship of Gordon and sheriffdom of Berwick. Dated and signed at Edinburgh 18 October 1506.

171. Notarial Instrument narrating that in presence of the notary and witnesses there appeared Thomas Alanson, the widow of the late John Sampson, John Haisty, John Millar, Edward Lyle, John Home, Margaret Wauch, Cuthbert Brady, Thomas Fairbairn, William Knox, David Richardson, Janet Knafe, Margaret Steill, Thomas Millar, Mariota Wauch, William Paterson, Mariota Erskine, David Sampson, Robert Redpath, William Hall, Elizabeth Richardson, John Dawson, Patrick Dawson, William Knafe, Thomas Inglis, Jonet Inglis, Thomas Haisty, Andrew Rannald, Alexander Alanson, Alexander Robeson, Patrick Costerstoun, Edward Steill, John Arnot, Edward Steill, William Kinnard, John Forfar, Henry Steill, James Lermonth, Stephen Richardson, Edmund Brady, Charles Richardson, Alexander Weir, Cristal Richardson, Henry Richardson, John Howden, Jasper Sluthman, Thomas Lauder, William Staide, Janet Home, Andrew Turner and Margaret Benstoun, inhabitants and tenants in East Gordon and Huntlywood, who, for certain sums of money, and favours done to them by George Lord Home, unanimously and solemnly made, appointed and ordained him, of their own free wills, to be their cessioner and assignee in and to certain goods, moveable and immovable, namely sheep, oxen cows, calves, horses, pigs, cocks, hens, geese, . . . ducks, fuel, grain, barley, oats, hay, vessels tin, wooden, brazen, wine, silver and golden, woollen and linen cloths, garments, jewels monetary and not monetary, victuals, meal, utensils, domiciles, houses, yards, fields, and mansions, despoiled, robbed, taken, ravaged, burned, devastated, destroyed and detained from them, as they affirm, by Ninian Chirnside of East Nisbet and his accomplices in the months of October and November 1523; and to other spoils taken by Chirnside from other persons as they allege and to the profits of such spoils and goods accruing in time past; trans-

ferring all their title and claim to the goods enumerated in favour of Lord Home. Done in the town of East Gordon 10th September 1524.

172. Gift under the privy seal by King James the Fifth granting to George Lord Home the ward casualties of the lands of Huntly, Gordon and Spottiswood Redpath, lying in the sheriffdom of Berwick, which belonged to the late Alexander Earl of Huntly and are now by his decease in the king's hands by reason of ward; To be held the said ward, with the relief and nonentry duties to Lord Home until the lawful age of the rightful heir, the said duties having been gifted to Henry Lord Methven and resigned by him. Given at Edinburgh 15 March 1529–30.

173. Notarial Instrument narrating that Thomas Hog principal officer and serjeant to Alexander Earl of Home, at the latter's verbal command "quhilk I notar vnderwrittin hard gevin, past to Kelso and thair in the cheptour (now haldin for the queir sen the destruction of the Abbay) with hie and vnderstandabill voce in the said lordis name, and his tenentis and adherentis, requirit and warnit my lord commendatour and convent of Kelso in tyme of hie mess, thair chalmerlains and factouris quhatsumeuir, To cum vpon Wodinisday and Thurisday nixt thairefter the xvi and xvii dayis of October instant to Home, Fogo, Gordoun and Grenelaw, and thair to teynd, and teyndis away leid of thair cornis, quhilk teyndis he and his predecessouris hes bene in vse and possessioun of befoir, sua that thair stok in poynt of tinsell may be away led; vthervise certifying thame that in caise thai come nocht the saidis day to the saidis placis to the effect forsaid that the said lord, his tenentis and adherentis in respect of this laufull warning wald leid thair stok respectiue sen it was gretlie contrar ane common weill that for sik ane small the haill gret suld perische, and sen thai culd nocht gudlie suffer the samin to byde forthir hasard of wodder and kep forthir and mair skaith." Done in the said place on Sunday 13 October 1555, in presence of Sirs Adam Chatto, subprior, Michael Chatto, Thomas Simson, James Ancrom, Alexander Wood, Thomas Turnat, Randolph Gledstanes, monks, Richard Palmer, James Wallace, William Swanston and John Trotter.

Lands of Middle-third of Gordon.

174. Letters of Procuratory by Alexander Lord Home, appointing procurators to resign in the hands of George Earl of Huntly as superior, the whole lands of Middlethird, as occupied by John Acheson senior and John Acheson junior, in the lordship of East Gordon and sheriffdom of Berwick, for new infeftment to Lord Home and Margaret Ker his spouse. Dated at Home 20 September 1552. [This is followed, in the Home Charter chest, by a Precept of Sasine by George Earl of Huntly. Edinburgh 17 December 1552, and Instrument of sasine 7th September 1553.]

Lands of Greenlaw.

175. Letters under the signet or summons by King James the Sixth narrating that Alexander Lord Home had obtained a decree of Council finding the two merk land lying in Greenlaw in the sheriffdom of Berwick, between Lord Home's lands on the west and east, the water of Blackadder on the north and the lands of the late William Redpath

on the south, and three merks worth of lands in the tenandry of Greenlaw, to be redeemed by Lord Home from William Redpath now of Greenlaw, heir and successor to the late William Redpath of Greenlaw, Helen Brownfield his spouse, and Alexander Redpath their son and apparent heir, pretended possessors of these lands, in terms of a reversion by the late William Redpath to the late George Inglis of Lochend, assigned to Lord Home; wherefore the king requires the parties named to resign the lands in favour of Lord Home. Edinburgh 10th March 1568–9. [In terms of this Lord Home issued a formal precept of warning requiring Redpath, his wife and son, and their tenants to remove from the three merk land in the tenandry of Greenlaw; dated at Floors 3 April 1569.]

176. Letters of Tack or Lease by William [Ker] Commendator of the Abbey of Kelso, with consent of his father Robert Lord of Roxburgh, as his lawful administrator and tutor, and also with consent of Andrew Ker of Fenton, "Iconimus" and administrator of the said abbey, leasing to Sir George Home of Spott, knight, Treasurer to the king, for all the days of his lifetime, and to an heir male succeeding, for his lifetime and to the nearest heir for nineteen years and also for a second period of nineteen years, the teind-sheaves and other teinds great and small, parsonage and vicarage of the whole parish and parish church of Greenlaw with all duties thereof, lying in the sheriffdom of Berwick; for payment of a yearly rent of 200 merks. Dated, signed, and sealed at Edinburgh and Halydean respectively on 17th and 18th August 1602. Witnesses, *inter alios*, John Spottiswood and Mr. Thomas Moir the granter's "pedagog." Three seals attached, the Lord of Roxburghe's, the Abbey seal and the seal of Andrew Ker, all much defaced. [By another writ of same dates, the Commendator appointed procurators to resign the teinds in the king's hands in favour of Sir George Home.]

Lands of Greenwood.

177. Charter under the great seal by King James the Fourth granting to Alexander Lord Home great Chamberlain &c. the whole lands of Greenwood (Girnwood) in the sheriffdom of Roxburgh, which had belonged to and were resigned by Thomas Turnbull of Greenwood, knight; To be held of the king and his successors for services due and wont. At Falkland 22 March 1492–3. [Cf. Register of Great Seal, printed Vol. 1424–1513, No. 2147.]

178. Letters by King James the Fifth under the quarter seal, addressed to William Turnbull of Minto, requiring him to receive George Lord Home as tenant in his lands of Greenwood, in place of the late Alexander Lord Home (brother of George) who had been forfeited for treason. Edinburgh — August 1522.

179. Precept of Sasine by William Turnbull Laird of Minto for infefting (in terms of the above letters) George Lord Home in the lands of Greenwood. Dated at Minto 10th June 1525. No witnesses. Seal attached, shield bearing a bull's head affrontée. "S. Villelmus Turnbul." [Sasine was given on 15th March 1526–7, at the capital messuage of the lands.]

180. Act of the Justiciary Court of the king in the sheriffdom of Roxburgh, held at the burgh of Jedburgh in the Courthouse there on

Monday 19th April 1535 before Archibald Earl of Argyll &c. Justice General; there appeared in judgment Robert Scott of Allanhaugh, indicted and accused for art and part of oppression done to George Lord Home, in detaining from him the rents of the lands of Greenwood and Lyn for the space of nine years last past. The accused compounded for the king's remission and found Adam Scott his brother and himself as securities for satisfying parties. Extracted by Nicholas Craufurd of Oxengangs, Clerk of Justiciary.

Templarland in Haddington.

181. Instrument of Sasine following on a precept of Sasine (dated at Torphichen 20th April 1506) by William Lord of St. John, directed to John Hepburn of Rollandston, templar bailie in the constabulary of Haddington, for infefting Nicholas Ker as heir retoured to her father the late George Ker of Samuelston, in a tenement of templar land in the burgh of Haddington on the north side of the high street between the land of the late George Ker on the west and the land of Adam Cockburn on the east. Sasine given on 28 April 1506. The bailie's seal is attached, shewing the Hepburn arms, but not very legibly.

182. Transumpt made in due form on 9th July 1543, in the court of the burgh of Haddington, from the protocol book of the deceased James Kellie, notary public, of an instrument of sasine, narrating that George Lord Home was duly infeft in a tenement of land in Haddington which had belonged to his mother the late Nicholas Ker, on 2nd January 1527–8; witnesses, William Lord Herries and others. Seal with device, attached, said to be that of Thomas Dickson, one of the bailies of Haddington.

183. Transumpt similar to the preceding, made on 23 January 1542–3, of a similar protocol narrating that George Lord Home was infeft in a tenement of land in Haddington belonging to his mother, on 2 March 1527–8. Seal attached, said by the bailies to be their seal of office, bearing what appears to be a ram, and the legend "S. THE TOWN OF HADINGTON" a device which differs from the present seal of the burgh.

184. Retour of Inquest made within the burgh of Haddington at the templar land of John Getgud before Mr. Alexander Fourrous, templar bailie of Walter Lord of St. John's preceptor of Torphichen &c., by John Cutlar in Haddington, John Brounehill there, Adam Bard there, Thomas Lethane there, Robert Johnesoun there, John Forrous of Lucasland, Archibald Daill in Barro, John Wilson in Morham, Robert Fell in Colstoun, Thomas Fell there, Patrick Temphill in Yester, Thomas Forrous in Dirleton, John Sinclair there, Alexander Robison there and John Foular in Gullane, who declare that George Lord Home is the nearest and lawful heir of his mother the late Nicholas Ker, lady of Samuelston, in a templar land in Haddington of a yearly value of 13*s.* 4*d.* Scots, held of the Lord of St. John in chief, and which had been in the hands of the superior for 16 years past. Dated 5 December 1542. Two seals appended.

Lands of Harden, etc.

185. Letters of Reversion [contemporary copy] by John Turnbull, dwelling in Borthwick, to the effect that although John Lord Lindsay

of the Byres and of the barony of Chamberlain Newton had granted to him the lands of Stowislee in the barony of Chamberlain Newton within the sheriffdom of Roxburgh, formerly belonging to and resigned by the late William Lindsay of Garmilton, yet the granter binds himself and his heirs on payment of 100 merks Scots money "now rynnand that is to saye, the ald ynglis groit for xiij penneis the schoyttis crownyt groit for xij penneis the scottis demy and the scottis crowne of gold for ten schillingis the ynglis noble of the he[nry ?] for twenti four schillingis and the franche crowne of gold for allewing schillingis" in the church of St. Giles, Edinburgh, on forty days notice, to resign and upgive the lands in favour of Lord Lindsay. Dated at Haddington 31st August 1468, before William Home, Archibald Hepburn, Thomas Borthwick, David Lindsay of the Mount, William Lindsay his brother and others. The seal of Sir John Swinton of that Ilk is said to have been appended.

186. Letters under the quarter seal by King James the Fourth addressed to John Scott, baron of the barony of Wilton, requiring him to receive Alexander Lord Home, great Chamberlain of Scotland, as his tenant in the lands of Harden lying in the sheriffdom of Roxburgh, which had fallen in the king's hands by the decease of the late John Turnbull who died a bastard without lawful heirs. At Linlithgow 16 June 1491.

187. Notarial Instrument narrating that John Murray, son and heir of Patrick Murray of Falahill, as procurator for Alexander Lord Home presented to the said John Scott, baron of Wilton, the king's letters requiring him to receive and infeft Lord Home in the lands of Harden in that barony, and requested fulfilment; to which request Scott replied that the lands of Harden had been and were in his hands and belonged to him by hereditary right, although the king had the right of presenting to him a tenant in the same; that he wished to receive Lord Home and no other, and he desired to advise with the King's Council and skilled lawyers and so deferred to fulfil the premises, although the procurator earnestly besought him to implement the letters. Done near the place of habitation of the said John Scott, of Huntlee, in the forest of Ettrick, on 25 June 1491.

188. Instrument of Sasine, following on a precept (dated at Bolton 16 March 1525–6,) by Patrick Hepburn Earl of Bothwell &c. with consent of Patrick Hepburn, his tutor, in favour of George Lord Home, brother german of Alexander Lord Home, deceased, whose possessions had been forfeited for treason, but were now restored to his brother, for infefting the said George in his late brother's lands of Stowislee and Grundiston and also the lands of Harden in the sheriffdom of Roxburgh, held of the Earl in chief. Sasine given by Gavin Elwald the Earl's bailie, at the capital messuage of the lands of Harden on 31st January 1526–7. Adam Scott of Newhall, Adam Scott, brother german of Symon Scott of Fenwick, and others, witnesses.

189. Letters under the quarter seal by King James the Fifth directed to Patrick Earl of Bothwell, presenting and requiring him to receive George Lord Home as his tenant in his lands of Groundiston and Stowislee in the barony of Chamberlain Newton, and of Harden in the barony of Wilton in the sheriffdom of Roxburgh, also a croft called Ridawayis croft and two husband lands in the town of Benstoun, in the Sheriffdom of Edinburgh and constabulary of Haddington; cancelling former presentations granted in the king's minority &c. Edinburgh 1st April 1538.

190. Letters of Reversion by William Scott in Todrig, liferenter, and Walter Scott his son and apparent heir, fiar of the lands named, narrating that although Alexander Lord Home has sold to them his lands of Harden with tower, mains &c., excepting only an acre of land on the east side of the same, in the barony of Wilton and Sheriffdom of Roxburgh, they bind themselves on payment to them of 160 merks Scots in the parish church of Jedburgh, to resign the lands in favour of Lord Home. Dated at ——, 1550. Witnesses Mr. Alexander Crichton parson of Abbotrule, Robert Riddell, brother german to Walter Riddell of that Ilk, and others. [In terms of a letter of procuratory by Lord Home, dated 22 March 1555–6, William Scott in Harden was summoned there, to receive payment of the sum of 160 merks in the Abbey Church of Melrose. Summons given 31 March 1556.] There is a difficulty as to the date of the reversion, which reads like 1559, and it may refer to a second loan, as the redemption money was to be paid at Jedburgh.

191. Charter by William Lindsay Lord of Byres granting to Andrew Lindsay his natural son, his whole lands of Stowislee and five merk lands in the town of Grundiston, lying in the barony of Chamberlainnewton within the sheriffdom of Roxburgh, remaining in his hands after the infeftment of 10 merks of land made to William Gourlay, which lands the granter had by grant of the late King David through forfeiture of certain lieges; To be held blench of the granter. Witnesses Sirs John Haliburton, William Seton, George Leslie, William Borthwick and William Stewart, knights, John Seton, William St. Clair, William Elphinstone and others. [No date.] Seal attached. Shield showing a fess cheque with two [or three] mollets in chief, two griffins supporters. A peacock's head and tail for crest. "S. WILLI DE LINDESAY."

LANDS OF HASSINGTON AND OTHERS.

192. Charter under the great seal by King James the Second granting to Alexander Home of that Ilk, knight, the lands of East Mains of Hassington and of Plewland and of Howlaws, lying within the sheriffdom of Berwick, and which were resigned by the grantee at the monastery of Candida Casa (Whithorn): To be held in fee and heritage of the king and his successors for services due and wont. Dated at Wigtown, 25 May 1458. Witnesses (to resignation and charter) George bishop of Brechin, Thomas bishop of Galloway, James Lord Livingstone, Robert Lord Fleming, John Lord Darnley, William Murray of Tullibardine, Messrs. Thomas Vaus, dean of Glasgow, and Ninian Spot. [Not in extant Register of Great seal.]

193. Letters of Reversion by Nicholl Brounfield in Hardacres to the effect that although Alexander Home, son and heir apparent of George Lord Home and Marion Haliburton, and fiar of the lands and lordship of Home and the third part of the lands and lordship of Dirleton, with consent of his said father and mother and of his curators Mr. James Foulis of Colinton, Clerk Register, and Mr. Abraham Crichton, provost of Dunglas, has sold to the granter the third part of the east mains of Hassington, called Hardacres, in the earldom of March within the sheriffdom of Berwick, yet the granter, so soon as the sum of 36*l.* 14*s.* Scots is paid to him on the altar of the Abbey of Eccles, binds himself to resign the lands in favour of Alexander Home. Dated at Edinburgh 15 December 1541. Seal attached, bearing a saltire. Legend illegible.

194. Letters of Reversion by James Brounfield in Hassington Mains, narrating that although Alexander Lord Home has sold to him four pounds worth of the lands of Hassington Mains, now occupied by the granter, lying in the barony of Home by annexation and sheriffdom of Berwick, yet the granter binds himself that so soon as he receives payment, on the altar of St. James the Apostle in St. Giles, Edinburgh, of 200 merks Scots, along with the delivery of a five years lease of the lands at a yearly rental of 4*l.*, he will resign the lands in favour of Lord Home. Dated at Edinburgh 30th December 1555. Seal attached. Shield showing a saltire. Legend "S. IAMES BROVNFEILD."

LANDS OF HASSENDEAN AND HORSLIEHILL.

195. Letters of Reversion by Gilbert Elliot of Stobbs, narrating that Alexander Earl of Home had sold to him the lands of Middle Mains of Hassendean, and the lands of Wester Hassendean, commonly called Horsliehill, with tower, fortalice &c. in the barony of Hassendean and Sheriffdom of Roxburgh, to be held blench of Lord Home, as stated in the contract of alienation dated at Dunglas and Edinburgh 29th and 30th January 1616; yet nevertheless the granter binds himself to James Lord Dunglas, eldest son of Lord Home, that on payment of 8,000 merks Scots, he will resign the said lands of Hassendean. Dated at Edinburgh 30th January 1616. Witnesses, William Scott younger of Harden, Mr. Samuel Home bailie of Coldingham and others. [On 17 May 1630, Gilbert Elliot of Stobbs and William Elliot, his eldest son, acknowledge receipt from James Earl of Home of the sum of 8,000 merks, and declare the lands named to be duly redeemed. Witnesses, Mr. Gilbert Elliot, lawful son to the said Gilbert, Mr. John Home Provost of Dunglas and others.] Seal attached bearing three bends "S. Gilberti Ellot de . . . ." the last word being illegible; it is not Stobbs.

LANDS OF HOSCOAT.

196. Instrument narrating that, in terms of Letters of Procuratory (dated at Hernheuch 13th February 1493–4) by Robert Turnbull of "Thoscot," (Hoscoat) the lands of Hoscoat lying in the sheriffdom of Roxburgh were resigned in the hands of William Lord Borthwick the superior; and were by him conferred upon Alexander Master of Home, son and apparent heir of Alexander Lord Home. Resignation made on the ground of the lands of Crichton in presence of Patrick Earl of Bothwell, Patrick Home of Fastcastle, &c. on 15th March 1493–4.

197. Precept of Sasine by William Lord Borthwick for infefting George Lord Home as tenant presented to him in place of his brother the late Alexander Lord Home, who had been forfeited and executed for treason, in the lands of Hoscotts in the sheriffdom of Roxburgh. Dated at Borthwick 26 September 1522. Seal attached. Shield couché bearing three cinquefoils two and one. Supporters two lions sejant. Crest a horse's head and neck. Legend "S' WILLELMI BORTHWYK." [Sasine was given in terms of the above precept on 12 May 1524.] The Precept is also signed "W. L. borthuik."

198. Precept of Sasine by John Lord Borthwick for infefting Alexander Lord Home as nearest and lawful heir of his father the late George Lord Home in the lands of Hoscoat in the barony of Borthwick and sheriffdom of Selkirk. At Edinburgh 11 February 1555–6, witnesses

John Grierson of Lag, Thomas Hoppringle of that Ilk, and others. Signed "Jhon l. borthwik." Seal attached, three cinquefoils on shield; no supporters or crest. Legend "S. IOHANIS DNI DE BORTHUIK." [Sasine followed on 17 February 1555–6, in presence of William Scott of Harden, William Scott junior, his son, and others.]

199. Letters by Alexander Lord Home appointing procurators to summon William Scott in Harden, or others, possessors of the said lands of Hoscoat, to be present in the Abbey of Melrose on 21 May next, there to receive on the altar of the Virgin the sum of 40*l.* Scots as redemption of the said lands of Hoscoat. Dated at Home 22 March 1555–6. Signed "Alex^{r} l. Home."

Lands of Howlaws.

200. Charter by John Lord Haliburton, granting for service done, to James Master of Douglas, knight, the lands of Howlaws in the earldom of March and sheriffdom of Berwick; To be held blench of the granter. Dated at Dirleton 11th April 1450, witnesses William Earl of Douglas &c. William Lauder of Haltoun, Thomas Cranston of that Ilk, John Sinclair of Herdmanston, Mr. Adam Auchinleck rector of Glasgow, George Ker of Samelston, and James of Dunbar. Fragment of seal appended. [A precept of sasine was granted at same time directed to James Dunbar of Dernchester and others.]

201. Charter by James of Douglas brother german of William Earl of Douglas, &c., granting to Alexander Home lord of that Ilk, for service done and to be done to the said Earl, the lands of Hollaw or Howlaws, in the earldom of March and shire of Berwick; to be held blench of the granter. Dated at Jedburgh 29 April 1451. No witnesses. Seal appended. A savage man kneeling, bearing in his right hand a club and on left arm a shield bearing quarterly, Douglas, Galloway, Moray of Bothwell and Lauderdale. Legend broken. [A Precept of Sasine dated (perhaps by mistake) 28 April 1451, is directed to Richard Edington of that ilk, Adam Forman of Hutton and others for infefting the grantee who is styled Sir Alexander Home of that Ilk, knight. Seal appended.]

Papers relating to the Scotts of Howpasley.

202. Letters of Reversion in the usual form, by Alexander Scott of Abbenton in favour of William Livingstone of Drumry, for the redemption of the lands of Midshiels and Appletreehall (except a fourth part of Appletreehall leased by Henry Turnbull) lying in the regality of Sprouston and barony of Lang Hassindean in the sheriffdom of Roxburgh, on payment of 500 merks in gold and silver on the altar of the holy rood de Lucano in St. Giles Church, Edinburgh. Dated at Edinburgh 16 November 1470. Witnesses Andrew Durie of that Ilk, John Beton of Balfour and others. Seal appended. Shield bearing a bend charged with two crescents and a mullet. Another mullet in sinister chief point, probably as mark of cadency. "S. Alexandri Scot."

203. Letters of Assignation by William Livingstone of Drumry, with consent of Robert Livingstone his son and apparent heir, assigning to Alexander Lord Home, chamberlain of Scotland, three letters of reversion (1) A letter by the late Alexander Scott of Howpaslot (Howpasley) of the lands of Midshiels and Appletreehall, for 500 merks, (2) a letter by

Walter Turnbull of the lands of East Mains for 200 merks, and (3) a letter by John Scott of the lands of Clarilaw for 200 merks ; with full powers which the granter might claim in terms of the writs assigned. Dated at Falkland 5th February 1493–4. Witnesses, Sir William Menteith of Kerse, knight, Mr. William Scott of Flaweraig, Mr. Alexander Moncreiff, vicar of Menmuir, and Cristall (Christopher) of Blair. Two seals attached—of the granter and his son, the first bearing a shield couché with three cinquefoils. "S. VILMUS LEVINGSTON," the second seal bearing a similar device, "S. ROBERTI LEVINGSTON."

204. Letter of Reversion by Walter Scott of Howpasley in favour of Alexander Lord Home, for redemption of the lands of Appletreehall (excepting a portion reserved by Lord Home of half a merk's worth of land on the north side) in the sheriffdom of Roxburgh, by payment of 200 merks on the altar of St. James the Apostle in St. Giles Church, Edinburgh, and delivery of a five years' lease of the lands at a yearly rent of 12 merks. Dated at Edinburgh 6 May 1502. Witnesses Mr. James Haliburton, George Home son of Lord Home and others. Seal attached. Shield bearing two stars in chief, with a lion's head erased, in base. Legend "S. WALTERI SCOT DE HOWPASLOT."

205. Contemporary copy, by a notary, of an Instrument of sasine following on a precept of Clare Constat by George Lord Home for infefting Janet Scot as nearest and lawful heir of her father the late Walter Scott of Howpasley in the lands of Midshiels and Appletreehall in the barony of Hassendean and sheriffdom of Roxburgh held of the granter in chief, under a charter of infeftment. Precept dated at Edinburgh 21 May 1530. Sasine given at Appletreehall to Janet Scot daughter and heir of the said Walter, appearing by her attorney Simon Scott, on 4th May [sic.? 24th May or 4th June] 1530. [It may be noted in reference to the seal carried by Walter Scott of Howpasley as above, that the lady here described as his daughter and heiress used a seal (figured in "The Scotts of Buccleuch" by Sir William Fraser K.C.B., Vol. I., p. 537, No. 7) showing a bend sinisterwise (probably a mistake of engraver) charged with three mollets, with a bird in the dexter chief and a crescent in sinister base of shield. This seal is said to be attached to a writ of date 1532. The same work (Vol. II., p. 169,) shows that in 1540 Janet Scott of Howpasley was married to Thomas Macdowal of Mackerston.]

206. Extract Decree by the Lords of Session in regard to a summons at the instance of Alexander Lord Home against Robert Scott of Howpasley, elder, Andrew Turnbull in Hornishill, Sym Sanderson, David Wood, "Hob" or Robert Davidson, Paul Turnbull, Alexander Hay, and Sir Walter Scott of Howpaslay, knight, younger, to the effect that Lord Home had warned the said parties, and also Robert Scott in Howpasley, pretended tenants of his lands of Midshiels, Appletreehall, Braidlies, Cotlaw, Burnside and mill, all lying in the sheriffdom of Roxburgh, to remove from these lands at Whitsunday last, yet they refused to do this and occupied the lands by violence. On the case being called, Lord Home and Robert Scott of Howpasley appeared by their advocates, but Sir Walter Scott younger of Howpasley did not appear, and the Lords directed letters of removing &c. to be issued in terms of the summons. Edinburgh 16 January 1562–3.

207. Instrument of Sasine following on a precept (dated Edinburgh 24 October 1579) from the Chancery of King James the Sixth for infefting Sir Walter Scott of Birkenside knight, as nearest and lawful

heir retoured to his father the late Robert Scott of Howpaslay, in the lands of Appletrechall and Midshiells in the barony of Hassindean and shire of Roxburgh, held of the king in chief, and directing William Douglas of Cavers as sheriff principal of Roxburgh to give sasine, he taking security for 10*l.* of the rents of the lands for the year they had been in the king's hands and 10*l.* due for relief. Sasine given 9th November 1579. Witnesses James Douglas, younger of Cavers, Martin Douglas of Tofts and others.

208. Instrument of Sasine, following on a precept (dated Edinburgh 1st May 1588) from the chancery of King James the Sixth directing the sheriff of Roxburgh (James Douglas of Cavers younger) to infeft Walter Scott of Howpaslay as nearest and lawful heir retoured to his father the late Sir Walter Scott of Birkenside knight, in the above-named lands of Appletrechall and Midshiells, the sheriff taking security for 75*l.* of the rents of the lands for the period of seven years and one term they had been in the king's hands and for 10*l.* of relief duty. Sasine given 23 May 1588, John and David Scott, brothers german of Walter Scott of Chamberlain Newton, and others witnesses.

The Lands of Huntlywood.

209. Charter by Alexander Lord Gordon Master of Huntly granting to Alexander Lord Home, chamberlain of Scotland, the lands and wood of Huntlywood, also the lands called of Forester stead, bounded between the lands of Fawside and West Gordon on the east part and extending towards the south to the mains, and the mains of Huntly and the lands called the Chantry lands on the south part and thence extending to the west to the lands of Moriston and Ledgerwood on the west part and so extending towards the north to the lands of Corsby and Bassindean on the north part, lying in the sheriffdom of Berwick—with the exception reserved to the granter of the tower manor of Corsby and the lake; To be held blench of the granter. Dated at the manor of Findlater 8th September 1490, before James Ogilvy of Findlater, knight, Walter Ogilvy of Auchleven and William Keith, son and heir apparent of Gilbert Keith of Inverugy, knight. Seal wanting. [There is a duplicate of this writ, with seal attached; also a precept of sasine dated 9th September 1490. Seal.]

210. Instrument of Sasine of the said lands in favour of Alexander Lord Home. Sasine given on 15th November 1490, in the principal house of the lands, inhabited by John Sluythman. George Home of Wedderburn, Patrick Home of Polwarth, John Montgomery of Thornton, Alexander Haitly of Lambden and others, witnesses.

211. Letters or Instrument by Alexander Earl of Huntly narrating that in the lifetime of his father the late George Earl of Huntly, he had granted charter and precept of sasine of the above named lands to Alexander Lord Home, who used the writs and took possession, but that "the said chartir and precept of sesing was be evil auisit personis tane, and the selis that war hingand tharat pullit thairfra and distroyt" considering which the Earl, desirous that the loss of the seals should not prejudice Lord Home's possession, caused make new copies of the charter and precept, to which he appended his seal; fully ratifying the new writs. At Edinburgh 28 March 1505, Robert Innes, George Hervey and others witnesses. Seal attached.

212. Instrument of Sasine following on a charter and precept of sasine (date omitted) by Alexander Earl of Huntly with consent of

Elizabeth Gray, his spouse, selling and alienating to Ninian Seton of Tullibody, knight, son and heir of the late Alexander Seton of Tullibody, knight, the lands of Huntlywood, Forester-seat (or stead), with the advowson and donation of the chaplainry called the Chapel of Huntly, *alias* the Chantry of Huntly and Huntlywood, in the lordship of Gordon and sheriffdom of Berwick. Sasine given on 23 December 1518.

Writs relating to Andrew Home, Abbot of Jedburgh, and the Lands of Bolton, &c.

213. Instrument of Sasine narrating that William Lord Herries as attorney in name of Marion Haliburton, daughter and one of the heirs of the late Patrick Lord Haliburton, and wife of George Lord Home, along with Patrick Hepburn, Master of Hailes, sheriff depute of Patrick Earl of Bothwell, sheriff principal of the sheriffdom of Edinburgh, in the Constabulary of Haddington, passed to the principal messuage of Bolton, and there—in terms of a precept from the Chancery of King James the Fifth dated at Edinburgh 9th June [1531] to the effect that Patrick (Haliburton) Lord Haliburton, father of Marion, died last vest and seised in the whole barony of Dirleton, with castle &c., also in the whole barony of Bolton with tower, manor place &c., lying in the Constabulary of Haddington, and that Marion Haliburton is one of the lawful and nearer heirs of the said Lord Haliburton of the said lands, namely of the third part; directing the sheriff to give her sasine, taking security for 1,055*l.* 11*s.* 1*d.* of the rents of the third part of the lands during the nine years and one term they had been in the king's hands since 5th June 1522, and for 200*l.* 0*s.* 3*d.* of the rents of the third part of the lands of Bolton for the same time, because the said Marion asserted that she had not obtained sasine of the said third part of the lands under another precept of date 5 June 1522, although security of the rents and relief for the terms preceding that date is entered in the Response books (Libri Responsionum) in Exchequer—the said Patrick Hepburn gave sasine to Lord Herries on behalf of Marion Haliburton of the third part of the lands of Bolton. Done on 30th October 1531.

214. Letter of Reversion by Patrick Hepburn, master of Hailes, and Patrick Hepburn, his son and heir, to the effect that though Alexander Home, eldest son of George Lord Home and of his spouse the above designed Marion Haliburton, and fiar of the lordships of Home and Dirleton, has with consent of his father &c. sold to the said Master of Hailes in liferent and his son Patrick in fee, the manor place of Bolton and the third part of the barony of Bolton in the Constabulary of Haddington, and also in warrandice thereof, the lands of Kello in the sheriffdom of Berwick, yet the granters bind themselves, on payment of 600 merks Scots on the altar of St. James the Apostle in St. Giles Church, Edinburgh, and on delivery of a lease of the barony for the term of seven years, at 13 merks yearly during the life of Dame Helen Schaw Lady Dirleton, and 20 merks yearly after her decease, to resign the said third part of Bolton in favour of Alexander Home. Dated at Edinburgh 14 August 1536. Witnesses, William Lord Herries, Mr. Abraham Crichton, parson of Chirnside, John Herries, Florence Herries and others. Signed "Patrik mast^{r} of Halis" "Patrik Hepbroun yovngar." Two seals appended—both bearing the Hepburn arms, and legend "S. Patrici Hepburn M. de Halis." [Sasine was given to

the Master of Hailes and his son of the third part of the barony of Bolton on 9th November 1537, in terms of a precept by Alexander Home, dated 12 August 1536.]

215. Letters under the Privy seal by King James the Fifth confirming the sale of the lands of Bolton made to the Master of Hailes and his son. Edinburgh 10 April 1538. Privy Seal attached.

216. Instrument of sasine in favour of the said Master of Hailes in liferent and Patrick Hepburn his son in fee of the lands of Kello in the sheriffdom of Berwick in warrandice of the lands of Bolton. Precept dated 12 August 1536. Sasine given at Kello 4th June 1541.

217. Letters of Procuratory by Andrew [Home] Commendator of the Abbey of Jedburgh, assignee of his brother, Alexander Lord Home, in and to the letters of redemption of the lands underwritten, appointing procurators to summon Patrick Hepburn Master of Hailes, Mary Hepburn his "nece" (granddaughter), daughter of the late Patrick Hepburn his son, and James Hamilton of Sprouston, her husband, to receive the redemption money of the manor place, with the third part of the barony of Bolton and the third of the mill of Bolton, in the Constabulary of Haddington, and of the warrandice lands of Kello in Berwickshire. At Edinburgh 12th March 1558–9. Signed "Andro Comēdatr of Jedburgh." [The letters of Assignation by Lord Home are dated 5th March 1558–9.] Seals affixed in both cases.

The parties met at the appointed time and place, but owing to legal difficulties and rival claims between Patrick Master of Hailes and his nephew [the late] Patrick Earl of Bothwell, and the absence of the granddaughter, payment of the money was delayed and it was consigned, with the lease, in the hands of James Lindsay, treasurer of the burgh of Edinburgh, as narrated in a notarial instrument of date 9 May 1559. The Abbot of Jedburgh raised an action before the Lords of Session, who on 8 July 1561 decided that the lands were redeemed, and ordered the rents to be paid to the pursuer. Patrick Earl of Bothwell had died before the date of this decree. Letters of horning were then issued on 25 July 1561, for the removal of Patrick Hepburn of Bolton, Master of Hailes, and the others from possession of the lands.

218. Precept of sasine under the quarter seal of Mary Queen of Scots, for infefting Andrew (Home) Commendator of Jedburgh in the third part of the barony of Bolton, &c. from which the Hepburns had removed. Edinburgh 4 September 1561. [This precept was followed by sasine on 3 November 1561, given by Alexander Yule of Garmilton, sheriff depute of Haddington, on the mains of the lands.]

219. Contract between Andrew Home, Commendator of Jedburgh, assignee of his brother, Alexander Lord Home, and also executor of his mother the late Dame Marion Haliburton, Lady Home, on the one part and Patrick Hepburn of Bolton occupier of the lands underwritten, on the other part, to the effect that the Commendator for himself and as executor foresaid, acknowledges receipt and full payment from Patrick Hepburn, of the rents of the third part of the lands and barony of Bolton, with the manor place and third part of the mill of all years since he had right to them for himself or through his mother and he discharges Hepburn fully; Patrick Hepburn on the other hand exonerating and acquitting Alexander Lord Home, his heirs &c. of all action of warrandice that he might move against him as heir to the

late George Lord Home his father, of the said lands since the alienation made to the said Patrick by the said George ; further exonerating and acquitting the said Commendator of all action possible against him for his distraining from Patrick's lands nine oxen in July 1561, and because the Commendator alleges that Hepburn is due to him as executor of his mother the sum of 10*l.*, the rent of the lands for the term of Martinmas 1558, Hepburn obliges himself to obtain the discharge from the officer who was appointed to distrain that sum for the said lady's share of the taxation then ordered by the Government, or else to pay the amount when required. Dated and signed by both parties at Edinburgh 27 February 1563–4. Signed "Andro Comdat^r^ of Jedburgh" "Patrik Hepburn in bolton."

220. Letters of Reversion by Andrew Home, Commendator of Jedburgh, in favour of his brother Alexander Lord Home, for redemption of the said third part of the barony of Bolton on payment of 600 merks, and delivery of a lease for seven years at 20 merks yearly. Dated at Edinburgh 6th May 1563. Seal attached bearing the usual quarterings, without the orle for Landale. Legend "S. ANDREE HVME."

PAPERS RELATING TO THE LORDSHIP OF JEDBURGH.

221. Instrument of sasine following on a precept of Clare Constat (dated at Edinburgh 1st June 1587) by the above named Andrew Home, commendator of Jedburgh, for infefting Alexander Lord Home as son and heir of his father the late Alexander Lord Home in the following lands :—the lands of Vlstoun, over mains of Vlstoun, lands of Grithills, Prior meadows, Chepmanside with the wood thereof, the lands of Spittelstanes, three husbandlands in Crailing Nether, a half husband land in Over Nisbet, a husbandland in Nether Nisbet, lands of Plewlands, of Sinlaws, called Newhall, Haughead, a land in Cessford burn, lands of Justiceley with teinds, lands of Old Jedburgh, lands of Roweastle, one piece of land in Langnewton, lands and town of Abbotsrule, lands of Bowatside, lands of Grange with mill, the lands of Fodderley, Over Bonchester, Nether Bonchester, with woods, the lands of Maxside, Gorthon Scott, with woods, Hartishaugh Langraw, with their teinds, lands of Raperlaw, of Firth, with teinds and woods, West Byres with their teinds, lands called Brewlands of Raperlaw, lands of Belshes with mill, lands of Over Ancrum with mill and cotlands, lands of Hyndhousefield, Castlewood and Castlehill with woods, along with the acres lying at the place of the Friars Minorites of Jedburgh, and the mains lands of Spittell called Ancrum Spittell and manor of the same, with mill, all lying in the sheriffdom of Roxburgh ; also of the tenement lying in the burgh of Jedburgh on the south side of the high street, bounded by the tenement of Robert Rutherford on the south and west, the monastery and cemetery on the east, the highway on the north and the water of Jedburgh on the south ; also the mains lands of Restennet with loch and eel-ark of the same, lying in the sheriffdom of Forfar ; which lands are held in feufarm of the Abbot and convent of Jedburgh. Sasine given of the lands in the county of Roxburgh only, at the manor of Ancrum Spittell, on 10th November 1587, William Ker, apparent of Ancrum, acting as attorney for Lord Home. Witnesses John Forret of Fingask, Robert Ker son lawful of Robert Ker of Wodheid, Robert Grymislaw son of — Grymislaw of Little Newton, and others named. [Among the witnesses to the precept of Clare Constat are Thomas Seyton of Northrig, Thomas Young, writer, and Mr. Robert Young, his brother.]

222. Draft or contemporary copy of Signature (unsigned and undated) by King James the Sixth narrating that on 18 March 1559-60 the lands of the Abbacy of Jedburgh (or those named in the preceding writ) had been granted in feufarm by the Abbot and convent of Jedburgh to the late Dame Marion Haliburton, grandmother to Alexander now Lord Home, confirmed by a charter under the great seal of Mary Queen of Scots, and the king on account of Lord Home's services ordains a charter of Confirmation to be made to him of all the lands contained in the said charter of feufarm granted by the late Andrew Home, Commendator of Jedburgh, to which the king adds other lands from the temporality of the Abbey of Jedburgh and priory of Restennet. To be held in feufarm of the king, who erects the whole into a lordship to be called the lordship of Jedburgh. Dated —— 1600.

223. The following writs relating to the Abbacy seem only to form a progress of titles and may be briefly noted. (1) Two precepts of Sasine, dated 10 March 1606, under the quarter seal, for infefting Alexander Earl of Home in the lordship of Jedburgh. (2) Instrument of Sasine following thereupon, 23 March 1607. (3) Charter of the teinds and spiritualities of the Abbacy of Jedburgh, granted by King James the Sixth to David Home of Wedderburn, knight, for life. Greenwich 24 June 1621. (4) Extract Act of Parliament, dated 4th August 1621, ratifying in favour of James Earl of Home the grants of the lands of the Abbacy of Jedburgh, priory of Canonbie &c. [Acts of the Parliaments of Scotland, Vol. IV., pp. 636–639.] (5) Charter under the great seal of King James the Sixth to James Earl of Home of the whole lands and teinds of the Abbacy of Jedburgh and priory of Canonbie &c. Edinburgh 22 January 1624. (6) Precept of Sasine of same date. (7) Instrument of Sasine in terms of precept, given at Jedburgh 5 July 1624 and recorded 29th of same month in the General Register of Sasines.

224. Procuratory of Resignation by the said James Earl of Home with consent of his curators, appointing a procurator to resign the lands of Jedburgh &c. in the hands of the king in favour of Sir John Ker of Jedburgh, knight, in terms of a contract between the parties. Dated and signed at the Canongate 27 July 1624.

Writs relating to the Lands and Mains of Restennet.

225. Letter of Reversion by Christian Wood, relict of the late John Strang of Balcasky, to the effect that although Andrew Home, brother german to Alexander Lord Home, had sold to her an annualrent of 36 bolls victual, namely 24 bolls of bear "with the cheretie," and twelve bolls oatmeal, to be paid between Yule and Candlemas, and delivered in Dundee according to the measure of that town, from the lands of Restennet, within the lordship of Restennet and sheriffdom of Forfar; yet the granter binds herself, on the payment of 600 merks Scots and all byrun annualrents, within the parish church of Edinburgh "in the place quhair the hie poulpet is situat" to resign and upgive all claims to the lands. Dated at Cupar in Fife, 24 October 1567. Seal wanting. Signed "Cresslyn Wod lady balcasky wt my hand."

226. Letter of Reversion by Alexander Erskine of Gogar and Margaret Home his spouse, sister german of Andrew Home, Commendator of Jedburgh and Restennet, heritable feuar and proprietor of the lands named, narrating that though the Commendator had sold to them the

lands of Mains of Restennet, with the moor, moss, loch, fishing &c. and had also granted to them in liferent and to their heir for life and to his heir for 19 years, a lease of the teindsheaves of the mains and lands of Restennet, also the teindsheaves of the towns and lands of Forfar, Auchtirforfar and Burnside, and also the vicarage of the parish of Restennet teinds, &c., in the parish of Restennet and sheriffdom of Forfar, yet for redemption of the lands the granters bind themselves to give four separate reversions for four separate sums of 2,000 merks, to the effect that as each sum of 2,000 merks is paid, the granters shall pay to the Abbot a yearly rent of 60 bolls victual, or 200 merks in money, and on payment of the full sum of 8,000 merks, the granters shall resign the lands. Dated and signed at Edinburgh — day of ——, 1584. Signed "Alex^{r} Erskyn" "Margaret Home." Two seals attached, the first shewing only the Erskine arms, legend "S. ALEXANDRI ERSKIN"; the second shewing the Home quarterings, impaled with the Erskine arms, legend broken. [The remaining papers affecting the lands are unimportant.]

THE LANDS OF LAMBDEN.

227. Notarial Instrument narrating that Sir John of Haliburton, lord of that ilk, publicly stated and admitted that he had leased one quarter of his lands of his lordship of Lambden to Thomas Haytli (Hately) and Alexander Hately, brothers-german, sons of the late John Hately, squire, for their lifetime, which quarter of the lands of Lambden the said John Hately held of the granter and his predecessors in farm, in past years, under letter and seal of the granter, as he affirmed in presence of many trustworthy persons; the said brothers, Thomas and Alexander, performing to Sir John Haliburton, for the land, service due and wont and as good and fitting as the said late John Hately their father did to Sir John or his predecessors in time past, without fraud or guile; also the said brothers shall pay to Sir John yearly for the lands 5*l.* for their life, as more clearly expressed in the letter; which lease with the letter he affirms and ratifies and for the tenant's greater security he publicly promised firmly to observe in all points. Done in the house of John Afplan of Dirleton on 7th June 1447. Witnesses, David of Lauder of the Bass, John Lauder his brother natural, and others. John Hately, brother of the said Thomas and Alexander asked instruments.

228. Instrument of Sasine of the east half of the lands of Lambden in the sheriffdom of Berwick, given to John Hately as attorney for James Lord Haliburton. Done at manor of Lambden 9th November 1500; witnesses, Thomas Hately, squire, and others.

229. Precept of Clare Constat by Janet Haliburton, elder daughter and one of the heirs of the late Patrick Lord Haliburton, now under tutory of Mr. William Wawan, official of St. Andrews, in the Archdeaconate of Lothian, and canon of Aberdeen, and Mr. Andrew Haliburton, rector of Cranshaws, directed to Alexander Hately of Meirdean, Thomas Hately in the Plewland and James Hately, as bailies for infefting John Hately as nearest and lawful heir of the late Alexander Hately of Lambden, his father, in the east fourth part towards the south, of the lands of Lambden, and the mill of the same, in the earldom of March and sheriffdom of Berwick; held of the granter in chief and in her hands as superior by the death of the late Alexander Hately and Helen his spouse, father and mother of the grantee, who is to receive sasine according to a charter by the late George Lord Haliburton to the late Alexander Hately and his wife. Dated at Edinburgh 26 February

1507–8. Two of the three seals once appended, now remain—First the granter's seal, shield bearing quarterly, 1st and 4th, on a bend three maseles for Halyburton, 2nd three bars for Cameron of Ballegarno, and 3rd a bend for Vaux of Dirleton. Legend "S. Jonete dne . . Haliburton"; second a small oval seal bearing apparently three cups, probably Wawan's seal. [This precept was followed by sasine on 1st June 1508.]

230. Precept of Clare Constat by Patrick Lord Ruthven, superior of the lands, directed to James Hately and Patrick Hately as bailies for infefting Alexander Hately as eldest son and nearest lawful heir of his father, the late Alexander Hately of Lambden, in the above named fourth part of Lambden. Dated Edinburgh 11 November 1564. Witnesses George Hately, John Hately of Bromehill and others. Signed "Patrik Lord Ruthven." Seal attached, much defaced.

231. Charter by Alexander Haitlie (Hately) of Lambden, hereditary feufarmer of the lands underwritten—in terms of a contract (dated 26 June 1609,) between Alexander Earl of Home &c. on one part, and the granter with consent of his wife Mariota or Marie Home, Mr. John Home, brother german of the said Marie, and Mr. James Seton, lawfull son of the late James Seton of Tullibody, for their interest, on the other part—selling and alienating to the Earl of Home and his heirs, the said east part of the lands of Lambden; to be held from the granter, of Thomas Viscount of Fenton, Lord Dirleton &c. as superior, in feufarm for a yearly feuduty of 10 merks: reserving to Cristine Cockburn relict of the late Alexander Hately of Lambden and now spouse of John Home of Slegden, her liferent right in the lands. Dated at Edinburgh 29 June 1609. Witnesses, Mr. Alexander Seton, brother german of John Seton of Tullibody, Mr. Robert Home of Carolside and others. Signed by the parties, a notary acting for Marie Home. Seal attached. Shield bearing, on a bend, three boars' heads. Legend "S' Alexandri Haitlie de Lamd'." [Lord Home was infeft in the lands on 3 July 1609. Alexander Brounfield, senior, in Hardacres, bailie.]

The Teinds of Lauder.

232. Extract decree of the Lords of Council and Session, in reference to the letters purchased at the instance of William Lothian, Andrew Allan, George Hoppringle, William Murray, Alexander Home, George Haliburton, James Hamilton of St. John's Chapel, William Wilson and remaining tenants and occupiers of the lands under-named, and Robert Home in Reidheuch for himself and as executor testamentar nominate and confirmed to the late Mr. Andrew Home, portioner of Lauder, for his interest, against Margaret Home, daughter-natural to the said late Mr. Andrew Home, and James Home of Prendergast her spouse, which letters narrate that whereas Margaret Home and her spouse—alleging her to have a lease from David [Erskine] Commendator of Dryburgh of the teindsheaves of the town and lands of Lauder, the forest of Lauder, Mortcleuch, Over Woodhead, St. John's Chapel, the town and lands of Caideslie, St. Leonard's Chapel, Trabroun, Pilmuir, Blackchester, Muirhouse, Helketland, Alleston, Rogerslaw, Burngrange, Whitelaw, Blyth, Erniscleuch, Egrop, Sundon, Lamelaith, Wantonwalls, Thirlstane, Ladyparts, Garnewis, Over Shiels, Nether Shiels, The Heuch, The West Mains, The East Mains, Woldinschiscleuch, Burncastle, Armitage, and all other teindsheaves which the said late Mr. Andrew Home held of the Abbacy of Dryburgh, for certain years

to run, and that the said Margaret has been and is in possession thereof, which is not true,—have by sinister information obtained from the lords of Council letters to summon the said tenants to pay her the rent of the teindsheaves for the crop 1567. Considering that neither the tenants nor the said Robert Home were summoned, since the teindsheaves justly belong to him as executor foresaid, and also that the tenants have paid to him the teindsheaves before the procuring of the letters and received full discharges, and that the said letters are wrongfully obtained and ought to be suspended; the Lords, on parties appearing, decided that Margaret Home and her spouse should refund to Robert Home as executor foresaid the sum of 200 merks for the teinds of part of the lands, while they were to deal with the remainder. Edinburgh 9 July 1568. [The document is much torn and the decree can therefore only be briefly stated.]

The Lands of Letham.

233. Letter of Resignation by Christiana Rany one of the heirs of the late John of Letham, resigning freely all those lands falling to her by hereditary right through the decease of the late John of Latham, her uncle ("patrui"), lying in the town and territory of Latham, in the Merse, within the sheriffdom of Berwick, into the hands of James, King of Scots, her overlord, with all her rights and claims; procuring the seal of Alexander of Grahame, lord of Elwiniston, to be appended. At Dalkeith 10th November 1437. Witnesses Sir William Monipeny, knight, Henry Douglas of Logton, John Giffard, John Graham and others.

234. Letters by Edward Redepath, appointing procurators to resign his whole lands lying in Letham in the sheriffdom of Berwick and earldom of March, in the hands of his overlord Alexander Duke of Albany &c., in favour of Alexander Home, apparent heir of Alexander Lord Home. Dated at Hume 23 October 1477. Seal attached, somewhat defaced, bearing apparently three heads of roedeer. Legend "S. Eduardi de Redpeth."

235. Charter by Alexander Duke of Albany &c., Great Admiral of Scotland, warden of the East and West Marches, granting and confirming to Alexander Home the four merk lands in the town and territory of Letham, resigned by Edward Redpeth. Dated at the Castle of Dunbar 4th January 1477–8. Witnesses Sir James Lidale, knight, David Renton of Billie, John Ellem of Butterdean, and Simon Salman. Seal appended.

236. Charter by the same Alexander Duke of Albany granting to Alexander Home of that Ilk, for his faithful service done and to be done, twenty husbandlands in the town and territory of Letham as far as the bounds of Mersington on the east side, the Lambden burn, with the house commonly called the "Wolt," in the earldom of March and sheriffdom of Berwick. To be held for three suits at the granter's chief court and one at his Justiciary, yearly. Dated at Dunbar 30th December 1482. Witnesses, Archibald Earl of Angus, James Stewart Earl of Buchan, Sir James Lyddale, knight. Seal appended, in good condition—formerly described. [This writ was accompanied by a precept of sasine of same date. Seal appended.]

237. Charter under the great seal by King James the Third, confirming the preceding charter by the Duke of Albany, to Alexander

MSS. OF THE EARL OF HOME.

Home of the said lands. At Edinburgh 2 July 1483. Witnesses, William, Archbishop of St. Andrews, James bishop of Dunkeld, Chancellor, William, elect confirmed of Ross, George elect of Glasgow, David Earl of Craufurd, Master of household, George Earl of Huntly, William Earl of Erroll, Alexander Lord Glamis, John Lord Kennedy, Messrs. David Livingston, rector of Ayr, keeper of the privy seal, Archibald Whitelaw, Archdeacon of Lothian, secretary, and Alexander Scott, canon of Aberdeen, clerk of the register. [This writ is apparently not in the extant record of the Great Seal.] Seal appended.

Lands of Leyacres and others.

238. Notarial Instrument narrating that, in presence of the notary and witnesses, there appeared Adam Crichton of Ruthvendavid and Patrick Heriot, as procurators for Alexander Lord Home, great chamberlain, who, as they stated expected the arrival of George Ker of Samelston (Samuelston) and Mariota his spouse, for security to be made to Lord Home of some lands in terms of a contract betwixt them, specially regarding the lands of Leacris (Leyacres) near Samuelston, and Friarsness, lying in the sheriffdom of South Berwick and other lands within the kingdom of Scotland; also for providing security to the said George and Mariota on the part of Lord Home in terms of the contract; as they were duly summoned. But as the said George Ker and his wife did not appear, the procurators protested that this should not prejudice Lord Home, but that it shall be lawful to him to have regress to the money named in the contract and that Ker and his wife should not in future dare to exact any money in terms of the agreement. Done in the Church of St. Giles, Edinburgh, before the altar of St. Thomas, bishop and martyr, on 7 December 1500.

239. Notarial Instrument narrating Letters of Procuratory (dated at Edinburgh 9th August 1501) by George Ker of Samuelston and Marion Sinclair, his spouse, appointing Alexander Home, son and apparent heir to Patrick Home of Polwarth, and others, as procurators (1) to resign in the hands of John Sinclair of Herdmanston superior of Friarness, the fee of the lands of Friarness in the sheriffdom of Berwick in favour of Alexander Lord Home and Nicolas Ker his spouse; (2) to resign in the hands of Alexander Gourlay laird of Kingscrag (Kincraig near Elie in Fife) superior of the lands, the lands of Leyacres in the sheriffdom of Edinburgh and constabulary of Haddington, also in favour of Lord Home and Nicolas Ker; reserving the franktenement of the lands to the granters in liferent: In terms of which letters, Thomas Inglis one of the procurators passed to the presence of the said Alexander Gourlay and begged him to accept the resignation of the lands of Leyacres in favour of Lord Home and his wife, but Gourlay replied that he wished to be advised by lawyers and friends on the subject and was for the present unwilling to receive the resignation. The procurator on this asked instruments. Done within the town of Kilconquhar (in Fife) near the dwelling place of Michael Trail, John Balnaves and others witnesses, 21 February 1501--2. [The original procuratory of 9th August 1501, is also in the Home Charter Chest. Signed "Georg̃ Ker of Samelstoun." Two seals impressed; the first, of which the legend is illegible, but probably that of George Ker, showing a shield bearing a unicorn *passant;* while the second seal bears the engrailed cross of Sinclair.]

240. Letters under the signet of King James the Fifth narrating a complaint by Dame Nicolas Ker, Lady of Samuelston, [widow of Alexander Lord Home,] that whereas she has the lands called Friarness, lying in Lauderdale, belonging to her in heritage and held by her of William Sinclair of Herdmanston in chief, and has obtained sasine and possession thereof without trouble, until lately the said William Sinclair had privately made her be called in his courts and as she is informed, has led a pretended process and decreet against her touching her heritage, without warning her to appear for her defence, and thereby vexes and disturbs her and her tenants in possession of her lands to her great damage, if she should be removed from her heritage by such private and inordinate process led by her superior in his courts, as is alleged: Wherefore the king directs his messengers to charge William Sinclair to give an exact copy of his process and decree to the complainant that she may found her action for reducing the same, and also that in the meanwhile he shall not disturb the complainant her servants or tenants in possession of the lands. Dated at Glasgow, 25 May 1519. Endorsed on the writ is the certificate of execution, stating that the messenger passed to the Castle of Herdmanston and in terms of the charge required William Sinclair of that Ilk to give him a copy of the process led against Nicolas Ker which was granted on paying the expense; and further required Sinclair to cease molestation against her and her tenants. 9th June 1519.

241. Charter by William Sinclair of Herdmanston granting and confirming to Elizabeth Home, Lady Hamilton, for the singular love and favour which he bears to her, and the grateful services done by her to him, the lands of Frierness lying in the fee of Carfra within the lordship of Lauderdale and sheriffdom of Berwick, which formerly belonged to the late George Ker of Samuelston, grandfather of Elizabeth Home, and were recognosced under a process by the superior, and adjudged to him, in the time of Nicolas Ker daughter and heiress of the said George Ker: To be held to the grantee in fee and heritage, for the service formerly rendered. Dated at Herdmanston 2nd January 1530–31. Witnesses Mr. Robert Galbraith rector of Spott, William Preston rector of Belton, Alexander and James Sinclair, brothers of the granter, with others. Signed "Willzam Sinclar of Herdmanstoun." Seal attached. Shield couché bearing a cross engrailed. Crest a griffin's head and neck. Legend "S. Wyllmi Sinclar de Hyrdminston." [A precept of sasine was granted on same day—seal attached—followed by sasine on 19th January 1531, given by Robert Smiberd as bailie for the granter.]

242. Retour of Inquest made before William Murray, sheriff depute of Berwick, by Robert Edgar of Wedderlie, Robert Lauder of that Ilk, Cuthbert Cranston of Eastmains, George Wedderate, George Wauchope, burgess of Lauder, John Home, natural son of the late Alexander Home lord of that Ilk, great chamberlain of Scotland, Ninian Home in Rymmeltonlaw, John Alane in Newbigging, Thomas Trottar in Fulschotlaw, George Johnstone in East Gordon, John Short in Bellitaw, Jasper Sleyth, George Trotter in Prontounon, Patrick Sleych, and Robert Huyd (Hood); who being sworn declare that George Lord Home is the brother and nearest and lawful heir of his sister, the late Elizabeth Home, in the lands of Friarness in the sheriffdom of Berwick and lordship of Lauderdale, held in chief of John Sinclair of Herdmanston for ward and relief, and valued presently at 40*s.* yearly, but in time of peace 6*s.* 8*d.*; also in three husbandlands of Rawburn in same sheriffdom, held in chief of David Spottiswood of that Ilk, blench, for four white

roses at Midsummer if asked, and valued at 3*l.* yearly, in time of peace 10*s.* The said lands have been in the hands of the superiors by the decease of the said Elizabeth, for the space of two years or thereabout. Eight seals are still appended, the names of their owners being on the tags. (1) Robert Lauder. A griffin rampant. (2) George Wedderate or Wedderall. A lion rampant; but this does not appear to be his own seal, as the legend bears the name of "Niniane Houme." (3) Ninian Home, as above. (4) Seal of Cuthbert Cranstoun, device illegible. (5) John Allane who uses the seal of . . . . , Robertsoun—a tree, with branches displayed. (6) George Johnstone—a seal, too broken to be described, but not showing the Johnstone arms. (7 and 8) George and Thomas Trotter—seals showing a chevron with a crescent on the apex. [This retour was followed by a precept of sasine in favour of Lord Home by John Sinclair Lord of Herdmanston, dated 10 July 1546, and infeftment given the same day.]

243. Precept of Clare Constat by John Sinclair of Herdmanston for infefting Alexander Lord Home as nearest and lawful heir of his father the late George Lord Home in the lands of Fiarness. Dated at Edinburgh 5th May 1552. Signed "Jhone Synclar of Herdmestoun w^{t} my hand." Seal attached—not very legible. [Infeftment followed on 15th May 1552.]

Lands of Luchheild, in Fife.

244. Charter of William of Lindesay, knight, lord of Rossy, granting to his kinsman David Stewart lord of Durisdeer, the lands of Luchheild, lying in the sheriffdom of Fife: To be held from the granter and his heirs of Murdach Duke of Albany, Earl of Fife and Menteith and his successors, in ward and relief, for services due and wont. Dated at Cupar in Fife, 11 May 1423. Witnesses William Hay, lord of Naughton, and others.

Mawdristoun (now Manderston).

245. Notarial Instrument narrating that a well born virgin Janet of Mawdriston of that Ilk, in her virginity and of her own free will gave up and resigned her lands of Mawdriston [not otherwise described] into the hands of Alexander Home of that Ilk as superior. Done on the lands 15 May 1480, Witnesses George Ker of Samuelston, George Home of Wedderburn, John of Mawderiston, George of Mawderiston, William of Mawderiston and others. Endorsed in a nearly contemporary hand "Resignation of Manderstoun," &c.

Lands of Maw and others in Fife.

246. Charter by King James the Fourth under the great seal, granting to Alexander Home of that Ilk the lands of Maw, formerly in possession of John Ramsay, sometime called Lord Bothwell, and forfeited by him, lying in the sheriffdom of Fife. To be held for the services due and wont. Dated at Edinburgh 21 May 1489. Great seal attached. [Cf. Register of Great seal, printed vol. 1424–1513, No. 1841.]

247. Charter by James Allerdes (Allardice) provost of the collegiate church and chapel royal, and of the blessed Virgin Mary of the city of St. Andrews, Archdeacon of Moray and canon of Glasgow, granting

and confirming to Alexander Home of that Ilk great chamberlain &c., and admitting him as their tenant, presented by the king in place of John Ramsay some time Lord Bothwell, forfeited, to the third part of the lands of Balmene (Balmain) in the sheriffdom of Fife; To be held to him of the granter and his successors, provosts of the said collegiate church of St. Andrews, in fee and heritage for services due and wont. Dated at Edinburgh 8 July 1489. Witnesses, David Renton of Billie, George Home of Wedderburn and others. Seal attached. Shield bearing a fess between three swines' heads, two and one. Legend "SIGILLUM JACOBI ALLIRDES CANONICI GLASGUEN." [On the same day a precept of Sasine was directed to John Lundie of that Ilk and others to infeft the grantee. Seal appended.]

248. Procuratory of Resignation by Walter Strang of Petcorthy, son and heir of the late Thomas Strang of Petcorthy, appointing procurators to resign his half of the lands of the Maw in the sheriffdom of Fife, into the hands of King James the Fourth as overlord, in favour of Alexander Lord Home. Dated at Edinburgh 15 April 1506. Seal appended, defaced. [There is another procuratory by Walter Strang, dated at Kilconquhar 16 January 1507–8, in the same terms in favour of Alexander Lord Home, but this is no doubt the son of the first grantee, who died in 1506, perhaps before the lands were resigned. The granter's seal is appended—a chevron between three mascles, two and one. Legend, apparently "S. WALTERI STRANG."]

249. Contract between George Lord Home and his son Alexander Master of Home on the one part, and John Lord Lindsay of the Byres on the other part, narrating that the lands of South Kinnaldie, half lands of Maw and the lands of Urwell in the sheriffdom of Fife, formerly possessed by the late Alexander Lord Home were, after his forfeiture, granted by the late King James the Fifth to the late Patrick Lord Lindsay of the Byres grandfather of the said John Lord Lindsay, but the lands were afterwards restored with others, to George Lord Home, brother of the deceased Alexander Lord Home, by the king with consent of Parliament, and all persons to whom the lands had been granted were charged to restore them. For obedience to this mandate, it is agreed that Lord Lindsay shall resign the above-named lands and otherwise promote their possession by George Lord Home, while the latter shall discharge the byrun profits of the lands; and as to the third of the lands of Balmain Lord Lindsay shall clearly show either that the lands were redeemed by or sold to his predecessor or Sir John Lindsay of Pitcruvie, from Alexander Lord Home. Dated at Edinburgh 28 February 1545–6. Witnesses Walter Lord of St. John's, Sir John Campbell of Lundy, knight, Robert Douglas of Lochleven, John Home of Coldenknowes and Abraham Crichton, provost of Dunglas. Signed "Jhone lord Lyndsay" "george l. hom."

250. Precept by Alexander Lord Home, directing his officers to pass and warn the tenants and occupiers of his third part of the lands and barony of Segie, third part of the mill thereof &c. formerly possessed and occupied by the late Mr. William Schaw, provost of Abernethy, lying in the sheriffdom of Kinross, namely James Schaw of Sauchy and others, including Robert Thomson in Segie, David Thomson his son, there, Watt Thomson there, Alexander Thomson there, his son; the "guid wyfe" of Lathangy, William Schaw her son, occupiers of Over Crago, Janet Anderson and — Wilson her son, there, pretended tenants and occupiers of the lands named, to remove from the lands at Whit-

sunday next; and also to give forty days warning of such removal on a Sunday forenoon "in tyme of sermone or prayeris" in the parish church of Urwell, in which parish the lands are situated. Dated at Edinburgh 8th April 1591. Signed "Alexr l. home."

The Lands of Mawes in Perthshire.

251. Letters of Tack or lease by Patrick Lord Gray granting for service done and to be done, to George Gray son lawful of the late Andrew Gray some time in Peteur, his sub-tenants one or more, all and whole the lands and barony of Mawes, that is to say, Middle Mawes, Morganstown, Milltown and Mill thereof, and Patrick Sowter's tack with houses, crofts &c. lying in the barony of Mawes and sheriffdom of Perth, in lease for the whole term of George Gray's lifetime; To be held of the granter and his heirs, paying yearly during the lessee's life to the Abbey and Convent of Scone the services due and wont and to Lord Gray a penny blench if asked. With clause of warrandice &c. Dated at Huntly in Gowrie, 15 December 1542. Seal attached—a lion passant within an engrailed bordure. Supporters two lions. Legend "S. Patryk Lord Gray."

The Lands of Mellerstain.

252. Process in regard to the redemption of the lands or one third of the lands of Mellerstain in terms of the Procuratory by Marion Haliburton, Lady Home [No. 18 supra]. The parties met in the parish church of Haddington and Lady Home's procurator required John Hately of Mellerstains to receive the sum of 38*l.* 13*s.* 4*d.*, being a third part of a sum of 116*l.* for which the lands were mortgaged by the deceased Walter Lord Haliburton, but Hately refused to do so on various grounds. The parties debated the various reasons for refusal at some length, and in the end the money was consigned in the hands of Nicholas Swinton, bailie of Haddington, for Hately's benefit. The statements made in the process add nothing to what is known regarding the Home and Haliburton families, and need not be detailed. Done at the high altar of the Collegiate Church of Haddington on 23 March 1539–40. Witnesses John Sinclair of Gosford, John Hepburn of Fortune, Mr. David Borthwick and others.

253. Letters of Assurance by William Brounfield, tutor of Greenlawdean, Adam Brounfield of Hardacres, Alexander Brounfield in the Mains, Andrew Brounfield in Pittlesheuch, Alexander Brounfield in Eastfield and Alexander Brounfield in Gordon Mains, for themselves, and each taking burden for their household and servants, except that Adam Brounfield refuses to be bound for his brothers, and Andrew Brounfield takes burden also for John Brounfield of Howlahead, his sons and servants, but excepts his own brother James Brounfield, assuring Alexander Haitlie [Hately] in Lambden, John Hately in Broomhill, George Hately in Hordlaw, Lawrence Hately in Haliburton and Leonard Hately, brothers, their children, household, men and servants, and Patrick Hately in the Kleyis, his sons and servants, that they shall be unharmed and unmolested by the granters, their brothers, sons, householdmen or servants for three years next to come from the date, under penalty of 1,000*l.* Scots, to be paid by the breaker of this assurance. At Edinburgh, April 1568. Signed by the parties. The document is endorsed "The assurance betuix the Brounfeildis and Haitlyes

in Aprile 1^{m}v^{c}lxviij, the tyme of the regiment of my lord erll of Murray &c."

Lands of East Nisbet.

254. Letters of Tack or Lease by Ninian Chirnside of East Nisbet in favour of Patrick Anderson of these five husbandlands of his lands of East Nisbet, lying "at the Welquartar, merchand to Cragis Wallys discendand to Forfar dene and sua done the burne as the braid medo gais to the brig and to the Hair crag and sa est the heid of the Wellbank levelland vp to the west nuke of the Chesteris in the fredome of Nesbet" and sheriffdom of Berwick, leasing the same to Anderson and his heirs &c. for the term of six years, the lessee rendering yearly to the granter at his dwelling place four "dawarkis" of turfs in summer at the time of the casting of turfs only; and as to the rent the granter acknowledges receipt of 40*l.*, now paid as the rent of the five husbandlands at two merks yearly for each husbandland. Dated at Edinburgh 28 October 1520. Not signed. Seal, formerly impressed, now wanting.

255. Letters under the signet of King James the Fifth, directed at the instance of George Lord Home, John [Home] Abbot of Jedburgh, Elizabeth Home Lady Hamilton, Marion Home Countess of Crawfurd, brothers and sisters of the late David [Home], prior of Coldingham, Jane Home, lawful daughter, John Home, Alison Home, Isabel Home, son and daughters natural of the late Alexander Lord Home, brother german of the said late David Home, to warn and charge Ninian Chirnside of East Nisbet and William Cockburn of that Ilk, sometime tutor of Langton, as pledge and surety, to appear before the King's Council on 26 February next to be decerned to pay to the complainers the sum of 20,000*l.* Scots in compensation for the cruel treasonable slaughter and murder of the said late David Home prior of Coldingham, done by Ninian Chirnside and his accomplices under silence of night in the year 15 . ., because Chirnside, being accused of the deed before the Justiciary Court held at Haddington on 24 May 1529, offered composition and offered himself and Cockburn as security for satisfaction to the complainers. At Edinburgh, 16 January [1533–4].

Lands of Samuelston and others.

256. Retour of Inquest held at Lauder before Laurence of Abernethy of Rothiemay bailie of the regality, by William Hoppringle of that Ilk, Alan Lauder, Gilbert Lauder, John Sinclair, Hector Lauder, Nicholas Forman, David Chirnside, John Lauder of Burngrains, William Lauder, Adam Crosby, Thomas Lauder, William Nisbet, Robert Lorane, William Leis, William Wedall and Alexander Learmonth, who being sworn declare that George Ker is nearest and lawful heir of his brother the late John Ker in the lands of Samuelston, valued at 40*l.* yearly, in time of peace only, held in chief of the Earl of Douglas, lord of the regality of Lauder, for a white rose at Midsummer, and now in the superior's hands for the space of one month since the death of the late John Ker. Dated at Lauder, Monday 31 October 1440. Three seals remaining.

257. Extract, made in 1618, of Charter by King James the Third, granting to George Ker of Samuelston and Elizabeth his spouse the lands of Samuelston in the Constabulary of Haddington and sheriffdom

of Edinburgh, and the lands of Hutcunhall lying in the sheriffdom of Berwick, resigned by the said George. Dated at Edinburgh 11 July 1465. [Cf. Register of Great Seal, printed vol. 1424–1513, No. 840.]

258. Notarial Instrument narrating that in presence of the notary and witnesses Patrick Lamby of Duncany and laird of the half land of the town of Inverallon, with his own hand subscribed and sealed with his own seal a charter, precept of sasine and letters of resignation made to Alexander Home, great chamberlain of Scotland, of the said Patrick's half lands of Inverallon with half the mill of the same, lying in the sheriffdom of Sterling. Done at Duncany, 25 February 1492–3.

259. Letters of Reversion by Janet Home, daughter of the late Alexander Lord Home, to the effect that though George Lord Home her uncle, brother german of the late Alexander Lord Home, her father, has granted his lands of Samuelston, with tower &c., tenandry of a part thereof let to James Ker in feu for 7 merks yearly, &c. lying in the constabulary of Haddington and sheriffdom of Edinburgh, to her and her heirs male only, to be born between her and her nominate spouse, John Hamilton, natural son of the late James Earl of Arran, whom failing, the lands to revert to Lord Home, yet the granter, with consent of her nominate spouse, binds herself that when she or her heirs receive upon the altar of St. James the Apostle in St. Giles' Church Edinburgh, a charter &c. conferring upon her or them lands of equal value with Samuelston and situated in Lanark, Renfrew, Stirling, Linlithgow or Edinburgh, she will renounce the lands of Samuelston in favour of her uncle. Dated —— 1531 (probably 24th August 1531). Witnesses James Hamilton of Finnart, knight, and others. Two seals attached. First bearing, quarterly, 1st and 4th 3 papingoes (looking to the sinister) for Pepdie, 2nd and 3 a lion for Home. [No orle.] Legend "S. Ionet Hom": Second shewing a bend between two cinquefoils. Legend "S. Johannis Hammiltoune."

260. Letters of Obligation by James Hamilton of Finnart, knight, in favour of George Lord Home, narrating the grant to the above-named Janet Home, "douchter naturall" of the late Alexander Lord Home, and her nominate spouse, John Hamilton, brother of Sir James, of the lands of Samuelston; and also narrating that Lord Home had delivered to her a sufficient tocher and that she had renounced, for herself and her heirs, all lands or rights she had through the late Alexander Lord Home, her grandfather, or Nicolas Ker, her grandmother; which obligation and renunciation the granter binds himself to see fulfilled, under a penalty of 10,000 merks Scots in case of failure. Edinburgh 25 August 1531. Signed "James Hamylton." Seal impressed, A shield couché bearing the three cinquefoils of Hamilton with a tressure. Supporters two antelopes. Crest a lion's head. Legend "I. H. D. F." (Jacobus Hamilton Dominus de Finnart).

[Janet Home, also, on 23 August 1531, consented to be voluntarily and legally interdicted from in any way alienating or mortgaging the lands of Samuelston—and signet letters were issued accordingly.]

Lands of Smailholm.

261. Precept of Sasine by Walter Ker of Cessford, directed to Robert French of Thornydikes, William Redpath of Greenlaw and James Haig of Bemerside, as his bailies for infefting John Home,

brother german of Alexander Home, grandson and heir of Alexander Lord Home, in terms of a charter, in the lands of Smailholm in the county of Roxburgh formerly belonging to and resigned by Thomas Ker. Dated at Kelso 27 October 1483. Witnesses John Home, dean of the chapel royal, James Rutherford of that Ilk and others.

262. Charter by Walter Ker of Cessford, granting and confirming to John Home of Whitrig, the whole lands of Smailholm lying in the barony of Cessford and sheriffdom of Roxburgh, which lands were resigned by Thomas Ker brother of the granter, for infefting John Home in exchange for certain lands in the baronies of Crailing and Hownam, handed over by John Home to the said Thomas Ker; To be held the said lands of Smailholm, to the said John Home, and the lawful heirs male of his body, whom failing to Alexander Home his brother, whom failing to George Home of Ayton, uncle of the foresaid brothers, whom failing to Patrick and Thomas Home, brothers of George, successively, and to the heirs male of the body of each heir respectively, whom failing to the heirs of Alexander Home, of the granter and his heirs in fee and heritage, for a blenchduty of one penny yearly if asked. Dated at Smailholm 24 May 1484. Seal attached, defaced. [On 25 June 1484, infeftment was given to John Home of the lands of Smailholm in terms of the precept of 27 October 1483 supra. Bailie, James Haig laird of Bemerside, whose seal is attached, partly broken, showing two bars.]

263. Instrument of Sasine following on a precept of Clare Constat (dated at Halidean 24 October 1494) by Walter Ker of Cessford, for infefting Kentigern (Mungo) Home as nearest and lawful heir of his father the late John Home of Ersiltoun, in eighteen husbandlands lying in the town and territory of Smailholm in the barony of Cessford and sheriffdom of Roxburgh, held of the granter in chief. Sasine given by William Haig son and apparent heir of James Haig of Bemerside, as bailie, on 28 October 1494.

264. Precept of Clare Constat by William Ker of Cessford and Robert Ker, his son and apparent heir, for infefting Sir James Home of Coldenknowes, knight, as nearest and lawful heir of his father, John Home of Coldenknowes, knight, in the same eighteen husbandlands of Smailholm, held of the granters; reserving to Dame Margaret Ker, mother of Sir James her liferent of the lands. At Halidean 8th December 1587. Signed "Cesfurde" "Robert Ker."

265. Extract Instrument of Sasine in favour of George Pringle of Wrangholm of four husbandlands and a half in Smailholm in terms of a charter and precept by Sir James Home of Whitrig, knight, with consent of his wife Dame Anna Home and Sir John Home of Coldenknowes, his father. Sasine given 3rd November 1617.

Sprouston.

266. Agreement between Francis (Stewart) Earl of Bothwell etc., with Archibald Earl of Angus, John Collace of Balnamoon and David Collace of Auchfairsie, his curators, on the one part, and James Hamilton of St. John's Chapel and John Hamilton, his son and apparent heir, on the other part, to the effect that forasmuch as James Hamilton and his son have sold to Earl Bothwell all and whole their lands of Sprouston called the Charterhouse lands extending to twenty pound land with the

fishings upon the water of Tweed, bounded as follows " viz. Begynnandt at the eist pairt of the Scurry craig, ascendand be Sogill burn quhill it cum to Cotardane and sua passand toward the eist be the merchis of the landis of the Abbay of Kelso to the lands of Redden and sua furth toward the sowth quhill it cum the merchis of the landis of Halden, and vpoun the west pairt begynnand at the Halyairdis and thairfra passand toward the north to the watter of Tweid with all liberteis and proffeitis of the said watter and sua vp Pacow burne as Yemisdaill passis toward the sowth quhill it cum to the Myrrycleuch and fra the heid of the Myrrycleuch passand toward the sowth quhill it cum to the Merchis of Lempetlaw and last passand quhill it cum to Haldenis Stank " lying in the barony of Sprouston and sheriffdom of Roxburgh, and they shall infeft the said Earl in due form, to be held in feu of the Prior and convent of the Charterhouse beside Perth, with other provisions, including the assignation in favour of the Earl of Bothwell of a decree obtained by James Hamilton against the late William [Ker] last Commendator of the Abbey of Kelso and the late Walter Ker of Cessford, knight, for removing from the said Charterhouse lands; For which causes the said Earl of Bothwell with consent of his curators binds himself to pay to James Hamilton and his son the sum of 2,500 merks Scots, or else to infeft them in an annualrent of 250 merks Scots to be uplifted from his lands and mains of Sprouston in the sheriffdom of Roxburgh, his lands of Northfield, lying in the sheriffdom of Berwick, and his lands of Over Hailes presently occupied by Robert Hepburn son to Patrick Hepburn of Wauchton, in the barony and lordship of Hailes, with other relative clauses which need not be detailed. Dated and signed by the parties at Innerwick and Lauder 21 and 28th October 1583, in presence of Alexander Hamilton of Innerwick, Sir James Maxwell of Calderwood, knight, John Hamilton, younger of Samuelston, Mr. Thomas Craig and Mr. John Preston, advocates, Mr. Robert Collace, younger of Balnamoon, Mr. David Home [better known as Home of Godscroft, the historian] James and Andrew Hamilton, sons of the said James Hamilton of St. John's Chapel, and other witnesses. Signed "Bothuell" "Johnne Hammyltoune youngar of Sanctiohneis chappell" (his father signs by a notary) "Anguss" "Jhone Collace of Ballnam̃o" "D. Collace" "Innerwik witnes" "J. Calderwood kny^{t} wytnes" "Dauid Houm witnes" "Tho Craig witnes" "M^{r} Jhone Prestoun witnes" "Sammelstoun witnes" &c.

Lands of St. Bothans or St. Bathan.

267. Charter by Dame Elizabeth Lamb prioress of the monastery of St. Bothans, and convent of the same, leasing and granting in feufarm to Alexander Lord Home, their whole lands, namely the lands of St. Bothan's extending to two husbandlands with 15 acres of arable land adjoining the same, the lands of Franpath, of Hardhassells with mills both grain and cloth mills, lands of Blackarston, four husband lands in Quikkiswood, two husband lands in Stenton, and two husband lands in the mains of Kimmerghame, lying in the sheriffdom of Berwick; To be held of the granters and their successors in feufarm or rental and heritage for the following yearly feuduty. For the two husband lands of St. Bothans 40*s.*; for the 15 acres of arable land at 5*s.* an acre = 3*l.* 10*s.* (*sic*); for Franpath 3*l.*; for Hardhasell 3*l.*; the grain mills 3*l.*, and the fulling mills 3*l.*; the lands of Blakarston 20*l.*; the four husband lands in Quickswood 4*l.*; two husbandlands in Stenton 42*s.*; and the two husbandlands in Kimmerghame 40*s.*; with an augmentation of rental, in addition = 13*s.* 4*d*

Dated at St. Bothans 16 June 1565. Witnesses, Mr. Mark Lamb, brother of the prioress, Alexander Home of Hutounhall, Bartholomew Samson and others. The prioress and another lady "Dame Janet Craw" the only two who sign the deed, do so by the hand of a notary. Seal attached not very legible—a small oval with, apparently the Virgin and Child.

268. A blank lease (date, term and entry blank) by Dame Elizabeth Home, prioress of St. Bothans, in favour of Dame Agnes Gray Lady Home, of the teindsheaves of the lands of Quixwood, Hardhasels, Franpath and of 30 acres of arable land lying in the town and territory of St. Bothans, and also the teindsheaves of the Mains of Wauchton in the Constabulary of Haddington and shire of Edinburgh, at a rental of 4*l.* yearly for the teindsheaves of Quixwood and other lands, and for the teinds of Wauchton 20 bolls meal and 20 bolls bear. [156—.]

269. Lease by Dame Elizabeth Home, prioress of the Abbacy of St. Bothans, for herself and as commissioner for her husband Adam [Cumming] Commendator of Beauly (in terms of a Commission by him dated 1st November 1607,) for fulfilling a decreet arbitral pronounced by the Lords of Session on 10 June 1613, between the granter and her husband on one side, and Alexander Earl of Home, lessee and possessor of the teindsheaves of the lands named, on the other side, granting and leasing to Lord Home for his lifetime and after his death for the lives of three succeeding heirsmale, and thereafter for three terms of nineteen years, the teindsheaves of the towns, lands and mains of Cockburnspath, Chapelhill, Two Hoprigs, Foulfurdleyes, Clowes, Lathinside, Eastershiells and Wester Shiells, lying in the parish of Cockburnspath and sheriffdom of Berwick; at a yearly rental of 40*l.* money. Dated at Edinburgh 27 July 1613. Witnesses Mr. Laurence M'Gill, advocate, Alexander Vaus, burgess of Edinburgh, Patrick Redpath, brother of the Laird of Redpath, Mr. James Ogrie, servitor to the said Mr. Laurence, and others. Signed "Elizabeitt Home priores of Sant bothanis." Large oval seal appended shewing Virgin and Child. Legend illegible.

Lands of Swynset.

270. Charter by Robert the Third, King of Scots, granting and confirming to William of Laundels and Jonet his spouse and their lawful heirs, all the lands which belonged to the late Robert Bureli in the lands of Swynset, and of Raynaldston in the sheriffdom of Roxburgh, forfeited by Burell; To be held for service due and wont. At Edinburgh 4th January [1390–1]. [Cf. Printed vol. of the Register of Great Seal, 1814, p. 189, No. 22.]

271. Letters, in the vernacular, by Archibald Douglas [of Drumlanrig], sheriff of Roxburgh, acknowledging that he had received two brieves from the king's chancery requiring him to give heritable sasine to Marion of Lauder, and Elizabeth of Lauder, daughters and heirs of the late Katherine of Lauder, their mother, that is to say, to Marion of Lauder the "chemys" or manorhouse quarter of the whole barony of Hownam with the pertinents and of Swynset—to the said Marion and Elizabeth her sister the whole half; that is to say, the manorhouse quarter to Marion and another quarter to Elizabeth: which precepts the sheriff declares he has fulfilled by giving sasine to "Dawy of Hwme" as acting for Marion and Elizabeth Lauder, namely to the said Marion at the "chemys" of the barony of Hownam, and at Swynset to the said

Marion at the "chemys of that Ilk" and to the said Elizabeth at another tenement there beside. Witnesses, Andrew Ker of Altonburn, James Ker, Paton Robson, William Robson and others. Letters dated at Jedburgh 22 August 1424. Seal attached defaced.

Lands of Thornton.

272. Retour of Inquest made before William Sympill, knight, sheriff of Renfrew, by John Maxwell Laird of Nether Pollok, George Maxwell of Finlawston, William Fleming of Barrochan, Uchtred Knox of Craganes, Robert Sprewl of Coldoun, John Wallace of Johnstone, Robert Langmore of Achinbothy, Robert Hall of Foulbar, Thomas Knox of Selnyland, Thomas Hall of Lechland, Hugh Montgomery, Thomas Montgomery, James Masoun, John Craufurd of Eastwood and William Maxwell of Akinhead, who being sworn, declared that John Montgomery is nearest and lawful heir of his father, the late Hugh Montgomery, in the lands of Thornton [in the county of Haddington,] within the bailliary of Renfrew, valued at 40 merks yearly in time of peace, held in chief of the lord Steward of Scotland for ward and relief, &c. now in the hands of the king as tutor of the Steward of Scotland, since the decease of the late Hugh Montgomery, about five months before the date of Inquest. Done at Renfrew 7 October 1477. Five seals attached; one bears a fess cheque, without other charges, legend "S. Wilelmi Sympill"—the others are not clearly decipherable.

273. Instrument of Sasine narrating that John Montgomery of Thornton acknowledged that he had granted to his beloved Alison Hamilton, daughter of Sir Archibald Hamilton of Innerwick, knight, his lands of Nether Thornton, the capital messuage of the same, his lands of Over Thornton, his lands of Wester Akingall and Easter Akingall, Creichnot and Monynett, for the whole time of her life in feufarm, and to the children to be begotten between him and the said Alison, as contained in his charter in virtue of which he personally with his own hands gave sasine to the said Alison of the lands at the principal messuage, December 16th 1477. Witnesses Sir William Simson, chaplain, Robert Horsap, William Froide, Robert Blakwood, Alexander Spens and William Adam. In addition to the usual notary's docquet, the writ bears the granter's signature "Jhoñ off Monggumry off Thorntown," and his seal is appended, quarterly 1st and 4th three fleurdelis, 2nd and 3rd three annulets. Legend "S. Johannis Monggomery."

Lands of Tinneis, in Yarrow.

274. Charter under the great seal of King James the Fourth, granting to Alexander Lord Home, the whole lands and place of the forest of Tinnes lying in the forest of Ettrick and ward of Yarrow within the sheriffdom of Selkirk; To be held to Lord Home and his heirs male, whom failing to the eldest heir female without division, of the king and his successors, in feufarm and heritage, for yearly payment of (the old rental of the lands having been 6*l.* Scots) the sum of 50*l.* Scots in augmentation of rental, doubling the feu at entry of heirs and making cultivation and building on said lands; also Lord Home and his heirs shall furnish and maintain for each ten pound worth of land, two horsemen, one with a lance, and a baggage horse, for the king's service in war, etc. Dated at Edinburgh, 26 October 1512. Great seal

attached partly broken. [Cf. Register of Great Seal, printed vol. 1424–1513, No. 3775.] A precept of sasine was issued on same day.

275. Retour of Inquest held at Edinburgh, before and by the same sheriffs and jury as in No. 24 supra, declaring that Alexander Lord Home was nearest and lawful heir of his father, the late George Lord Home, in the lands and place of the forest of Tinneis in the forest of Ettrick, ward of Yarrow, and sheriffdom of Selkirk, valued yearly at 50*l.* and in time of peace at 6*l.* Dated 16 April 1551, George Lord Home having died two years before.

276. Decree by the Lords of Council and Session in terms of an action raised at the instance of Alexander Lord Home, proprietor of the lands of Tinneis with the place &c. lying in the lordship of Ettrick Forest and sheriffdom of Selkirk, decerning against John Stewart of Traquair, Alexander Stewart in the Shielllaw, James Hoppringle in the Tinneis, William Tait there, James Scott there, George Hoppringle of Torwoodlee and James Dodds in the Tinneis, requiring them to flit and remove from their occupation of the lands. At Edinburgh 3 February 1564–5.

277. Letter of Reversion affecting the lands of Tinneis by John Hoppringle (Pringle) son to the late James Hoppringle in Tinneis with consent of John Hoppringle of Buckholm, having right through the late John Home, brother german to the late Alexander Home of Manderstoun, granted in favour of Alexander Earl of Home—but the dates and sums are blank and the writ unsigned and without testing clause. [c. 1606.]

Lands of Upsetlington.

278. Charter by King James the Second, confirming a Charter (dated at Benystoun 8th June 1460) by Alexander Benystoun of that Ilk, laird of Upsetlington, granting to the Collegiate Church of Dunglas for the welfare of the souls of King James (the Second), his Queen Mary (of Gueldres), of the granter and his spouse Janet, of his father and mother, brothers and sisters, &c. his lands of Upsetlington lying in the earldom of March and sheriffdom of Berwick, to be held to the provost and chaplains of the church in pure alms for the giving of their prayers. Confirmed at Edinburgh 6 July 1460. Witnesses, Thomas bishop of Aberdeen, George bishop of Brechin, Ninian bishop of Galloway, Andrew Lord Avondale, Chancellor, James Lord Livingstone, great chamberlain, Patrick Lord Graham, Messrs. John Arous, archdeacon of Glasgow, keeper of the Privy seal, and George Ledale, rector of the Forest, secretary. [This writ which is dated only a month before the king's death at the siege of Roxburgh Castle, does not appear in its place in the extant register of the great seal.] Fragment of great seal attached.

279. Charter by Alexander Duke of Albany &c., confirming the above charter by Alexander Benystoun. The Duke's charter is dated at his castle of Dunbar 23 March 1477–8. Witnesses, Sir James Ledale of Halkerstoun, knight, David Rantoun of Billie, Mr. George Ledale, rector of Forest (Carluke), Mr. Malcolm Drummond, rector of Dunbar, John Ellem of Butterdean. Signed "A. Albany." Seal appended, partly broken. Two days later the Duke granted the following:—

280. Letters by the Duke of Albany &c. to the effect that, though he had confirmed the charter and gift by the late Alexander Benystoun

of that Ilk of the lands of "Owpsidlingtoune" to the College church of Dunglas, yet "we promit faithfully thareatour till our weilbelouit cousingis the lorde Home and Alexander Home his newo [grandson] that what tyme thai can fynd or diuise ony oder waye to mak the said college mare seker of the said landis wyth pertinentis and we be requirit be thaim we sall mak the said college also seker of the said landis as we may and as thai can diuise wythout inconuenientis and gif thaim euidentis thairupone." Given under the Duke's signet at Dunbar 25 March 1478. "A. Albany &c." Signet affixed now obliterated.

281. Contemporary copy of Instrument of Sasine narrating that John Littlejohn, bailie of a stout squire David Hering, laird of Glaselune, gave sasine of the lands of Easter Upsetlington with tenants and tenandries, and the presentation of the church of said barony lying in the sheriffdom of Berwick to Mark Hood as attorney of James Hering "de Cluny" son of the said David and his apparent heir, in terms of a charter. Done at the mansion of the lands 30th January 1490–91. Witnesses, George Home of Wedderburn, David Thornside, Philip Wood and others.

282. Precept of Sasine by James Hering of Tulibole and baron of the barony of Upsetlington, directing his bailies to infeft Alexander Home of that Ilk great chamberlain of Scotland in the lands of the barony of Easter Upsetlington, the patronage of the church of Upsetlington, with fishings of Halyweill on the water of Tweed. Dated at Edinburgh 30th March 1491. Seal attached shield bearing, on a bend a lion and a rose. Legend "Jacobi Hering."

283. Charter by King James the Fourth under the great seal granting to Alexander Lord Home, great chamberlain, upon his own resignation, the lands of the barony of Easter Upsetlington with the fishery of Halywele on the water of Tweed, and with the patronage of the church of Upsetlington, in the sheriffdom of Berwick, also the lands of Todrig in the same sheriffdom resigned by John Home of Ersilton; which lands the king unites and incorporates with the barony of Home; To be held to Alexander Lord Home and the following heirs and the heirs-male of their bodies in succession—to Alexander Home, George Home, John, Patrick and William Home, all sons of Alexander Lord Home, failing whom to his brother John Home, then successively to George Home of Ayton and Patrick Home of Fastcastle, brothers german, uncles of Lord Home, of the king and his successors in blench farm. Dated at Edinburgh 14 July 1491. [Cf. Register of Great Seal, printed vol. 1424–1513, No. 2050, where the charter is given under date 4 July.] Two precepts of sasine were issued on same day in favour of Lord Home.

284. Summons under the signet of King James the Sixth directing messengers to summon David Home of Wedderburn, heir and successor to the late Sir David Home of Wedderburn, knight, who was son and heir of the late George Home of Wedderburn, pretended heritable possessor of the lands underwritten, Jane Hepburn relict of the late George Home, brother to the said David Home now of Wedderburn, pretended liferentrix of said lands, and John Hamilton now her spouse, to appear before the Council on 25 December next, at the instance of Alexander now Lord Home, baron of Upsetlington, grandson, heir and successor of the late Alexander Lord Home, great chamberlain, his grandfather, to answer for postponing and deferring to resign in favour of Lord Home the lands of Ramrig and Greenside (excepting one acre of land) lying

in the barony of Upsetlington and sheriffdom of Berwick, redeemable under reversion by Lord Home for the sum of 300 merks and a lease of the subjects for 12 years at a yearly rent of 24 merks, and which have been redeemed by him, but which the defenders refuse to resign. Signeted at Edinburgh 30th October 1567.

285. Instrument of Sasine following on a charter and precept of sasine by Mr. Thomas Ogilvy, provost of the collegiate church of Dunglas, and the prebendaries there, with consent of Alexander Lord Home as patron of the church, granting (of date at Dunglas 11 August 1594) to John Home of Hutounhall the lands and town of Upsetlington with grain mill, mill lands &c. belonging to the prebend of said church called the prebend of Upsetlington, in the sheriffdom of Berwick. Sasine given on 10 September 1594 by David Home of Ninewells as bailie, to James Home, brother german of John Home of Carrolside, as acting for the grantee. Witnesses, George Nisbet in West Nisbet, Thomas Home, son of John Home in Chirnside, Achilles Home, George Nisbet in Upsetlington, James and William Nisbet, his sons, with others. [Among the witnesses to the charter are Gasper Home of Lawfield and Mr. Alexander Home his brother.]

286. Letters under the signet of King James the Sixth, narrating a complaint by Isobel Home relict of the late Alexander Home of Huttonhall, and his executrix, to the effect that Alexander Lord Home, now Earl of Home, had alienated to the said late Alexander Home of Huttonhall and the pursuer his spouse, and to George Home their fourth lawful son, the lands and barony of Easter Upsetlington also called Ladykirk with the manor place, and fishings of Halyweill in the water of Tweed, and the patronage of the church of Upsetlington in the sheriffdom of Berwick, and further had granted in warrandice of the above, the towns and lands of Kello, Reidiloch and Chirnside with mills &c. and the patronage of Chirnside parish Church, in the same, and had bound himself by a clause of warrandice in favour of the grantees and specially obliged himself to free the lands from an annual rent of 400 merks due yearly to his sister german, Mistress Isabel Home, nevertheless he has not redeemed this sum, which the pursuer had paid to the late Mrs. Isabel Home, Mr. James Home of Eccles, her spouse, and Alexander Home their second lawful son, from the year 1587 to the year 1608; further the pursuer complains that Lord Home had leased to "Harie" Home in Hutton, 40 acres of the lands of Easter Upsetlington for 19 years for 40*s.* yearly, and he had laboured the lands till his death in November 1589, while after his decease his second lawful son Alexander Home, with Jasper Home his tutor, peaceably held the lands; Wherefore, the complaint concludes, Lord Home ought to repay to the pursuer the arrears of the annual rent disbursed by her and should also make payment to her of the rental of the said 40 acres, equal to 40 bolls of bear yearly, and Lord Home is therefore summoned to appear before the Council to answer the complaint or be decerned to repay the sums. Signeted at Edinburgh 5th September 1608.

Papers of a Miscellaneous Character.

287. Extract decree of the Lords of Council and Session, in terms of a summons raised at the instance of King James the Sixth and James Earl of Murray, regent of Scotland, against John [Hamilton], Commendator of the Abbey of Abirbrothok (Arbroath), and John Hamilton, provost of the College Kirk of Bothwell, for violating an act of King

James the Fourth forbidding the clergy or members of the spiritual estate to pass to Rome or elsewhere out of the kingdom without the royal permission, the said Commendator and Provost having in December, January or February last, passed out of Scotland into England or France without permission or declaring the cause of their absence, whereupon the Lords decern against the accused as liable to the penalties imposed by the Act of 1496. Dated at Edinburgh 9 July 1568.

288. Letters by Sir Alexander Home of Manderston "Considdering that not onlie I am obleist to serue and acknawledge ane noble and potent lord Alexander Lord Home my verie gude lord and cheiff, as ane member of his house, but alsua in respect of the lait affinitie contractit with his lordschip be my mariage, proximitie and neirnes of blude to him of my bairnis, and that the said noble lord hes laitlie grantit to me ane new infeftment of fewferme of my landis of Manderstoun as the samin of the dait of thir presentis beiris"; for which causes Sir Alexander binds himself in the usual form of bonds of manrent to serve and assist Lord Home. Dated at the Canongate of Edinburgh 26 August 1595. Witnesses John Home of Huttonhall, Jasper Home of Lawfield and others.

289. Bond of Relief between John Lord Sinclair, James Lord Johnstone, Sir Patrick Douglas of Kilspindie, Sir Archibald Douglas of Spott, Sir Robert Douglas of Blacarston, knights, and Alexander Home of Haliburton, as cautioners for James Earl of Home in an agreement between him and Robert Earl of Roxburghe (dated at Broxmouth and Edinburgh 27 and 28 November and 4th December 1641) by which contract the Earl of Home has, for the sum of 20,000*l.* Scots, alienated to the Earl of Roxburghe his lands of Broxfield with manorplace &c. in the sheriffdom of Berwick, but under reversion, and the cautioners bind themselves mutually to relieve each other of their respective shares of the said sum of 20,000*l.*, when it is required to be paid. Signed by the parties at Edinburgh 4 December 1641.

290. Receipt and discharge by Janet Sinclair relict of the late John Haliburton of Merton in favour of James Earl of Home for the sum of 440 merks, one half year's interest of 11,000 merks, secured over the Earl's lands of Leithholme. Dated at Edinburgh 25 June 1647. Witnesses, Mark Haliburton, son of the said John Haliburton, and Alexander Haliburton, grandson of the same.

Supplementary Report on the Manuscripts of the Earl of Home.

Since the date of the foregoing Report on the Home Muniments at the Hirsel, inspection has been obtained by me of the additional Home Muniments which are preserved in Edinburgh under the custody of the Law Agent of Lord Home. These are contained in nine Charter chests. Through the courtesy of Lord Home and his Agent these boxes were transferred to my own custody. This greatly facilitated my inspection of the entire collection as contained in these nine Charter chests.

From an inspection of the two first of the nine Charter boxes intrusted to me, I was led to anticipate that if the remaining seven boxes contained similar charters a lengthy second report would be required. But on examining the seven boxes, the contents were found to be chiefly

law papers relating to the family and estates of Home and very few of any historical character. A short report supplementary to the foregoing report is all that is now necessary to complete the account of the collections of the Earl of Home. The writs now reported on have for convenience of reference been numbered consecutively with those in the former report.

The earliest writ in point of date, although unfortunately it no longer exists in the Home Charter chest, but is noted from an old Inventory, is that described as a Charter by King William the Lion to William Home, son of John Home of the lands of Home. As this charter, if correctly stated, must have been granted before 1214, it appears to record an earlier member of the family than is known to genealogists. The other charter of King William's noted, is also not known to be extant.

The writ of the lands of Letham transcribed in No. 291 *infra* is of much interest, giving as it does so many names of persons and places in Berwickshire at that early period. The Scandinavian character of some of the christian and surnames referred to in the document is suggestive. The provisions about brewing, purchase of beer, fines of courts, and the destination of the lands granted are of interest. The granter of the writ, John of Letham, was a vassal of Patrick third Earl of Dunbar, and he grants the lands named to his son Ketel, who apparently gives name to part of the territory, Ketelshiels. The family of Letham seem to have continued in possession of that estate until 1437 when it descended to Christiana Rany, a niece and one of the heirs of John of Letham, her uncle, and she resigned the lands into the hands of King James the Second [No. 233 *supra*]. The date of the writ is not inserted, but the original was probably granted about 1269, as one of the witnesses is Sir Thomas Randolph, Chamberlain, who entered on office in that year.

The grant No. 292 *infra* by King James the First in 1425 to his chaplain, Thomas Lauder, of the Maisondieu or Hospital of Berwick-on-Tweed, is of interest, while No. 293 *infra* apparently connects itself with an incident in Scottish history. In 1435 Henry Percy, son of the Earl of Northumberland, with a force estimated at four thousand men invaded the Scottish border, but was met at Piperden, a place not far from Dunglas, and defeated by a Scottish army under William second Earl of Angus and other Scottish Wardens. The fight took place on 10 September 1435 and it is not improbable that the services referred to in the writ now reported on, granted by that Earl to his squire, Alexander Home, were rendered on that occasion. The writ is dated at Tantallon on 10 February 1436, and bestows the lands of Lintlaws for life.

An old Berwickshire family of Duns is referred to in No. 294 *infra*, and one of their number appears also as a procurator in No. 296 *infra*, which relates to the lands of Tyninghame and the surrender of part of them into the hands of the Bishop of St. Andrews. No. 298 *infra* is a grant by the Prior of Coldingham in favour of Sir Alexander Home of the office of Bailiary over the possessions of the Abbey. This office had been held by the Earls of March and then by the Earls of Douglas, the latter enjoying a fee of 100*l.* yearly. Sir Alexander Home however was to receive only 20*l.* yearly. In the following writ [No. 299 *infra*] we have the name of a wife of Sir Alexander's grandson and heir, afterwards Alexander second Lord Home, who is not known to history, Isabel Douglas. The family of Douglas to which she belonged has not been discovered, but because she and her husband were related in the third and fourth degree, a formal divorce was pronounced between them. The steps of the relationship are not given.

In 1488, the same Alexander Home was appointed steward of the King's Earldom of March and barony of Dunbar, for nine years [No. 300 *infra*]. A grant of nonentry of the lands of Earlston to his son is given in No. 301. An additional chaplainry endowed by Sir Patrick Home of Polwarth and Helen Shaw his wife in the church of Dunglas is commemorated in No. 302. Nos. 303, 304, 305 and 306, though interesting, are not specially noteworthy and may be referred to for their respective subjects.

In No. 307, however, we have a document worthy of special notice, an agreement between King James the Fifth and the Homes for the expulsion of the Douglases from their Berwickshire possessions. Up to June 1528, King James had been virtually under the control of Archibald sixth Earl of Angus, but in that month the King threw off the Earl's authority, and in the September following, procured the forfeiture by Parliament of all the estates held by the Earl of Angus, his brother Sir George Douglas and their uncle Archibald Douglas of Kilspindie. After the forfeiture Angus and his vassals betook themselves to arms, and one of the places held by the Earl was Coldingham Priory, which is the chief subject of the agreement now reported on. In this contract the Homes undertake to expel the Earl of Angus and his supporters from Coldingham and Colbrandspath, and also from the bounds of Berwickshire, and to keep them out of that neighbourhood. In return they demand that the King shall promote John Home, Abbot of Jedburgh, Lord Home's brother, to be prior of Coldingham, in room of a former prior, Adam Blackadder, who is to receive another benefice and that they shall obtain a lease of the lands of Cockburnspath. They make various other stipulations as to remissions and the furnishing of a sufficient force to aid them in their warfare against the Douglases. Nos. 308 and 309 indicate that the King complied with some of these requests, but it does not appear that John Home ever became Prior of Coldingham, while it is doubtful if the contract was fulfilled.

Nos. 310–312 need not here be detailed, but attention may be drawn to the terms of the Commissions to Lord Home narrated in No. 313, especially to the one dated on 2 January 1558, which virtually appoints Lord Home as a negotiator for peace with England. Only a few weeks before this date, the Queen Regent against the advice of her Councillors had endeavoured to precipitate hostilities with the southern kingdom. Lord Home himself had headed a series of raids on the English and was only checked by a defeat received in September 1557. Now however he is authorised to treat for a peace between the two kingdoms as part of a general treaty between France, England, and Scotland. Such a conclusion, however was not reached until after the death of the English Queen Mary, when a final treaty was made with her successor Queen Elizabeth.

From No. 314 we learn that Lord Home received a pension from the French King. Of the remaining writs including those noted from old Inventories [Nos. 317 *infra*], those granted by King William the Lion have been already referred to, but attention may be drawn to No. 317 (4) the acknowledgment by Archibald Earl of Wigtown, afterwards fifth Earl of Douglas, of a loan of 1,000 nobles from Sir Alexander Home on 9th February 1424. This connects itself on the one side with the probable date of Sir Alexander Home's departure for France with the Earl's father, and on the other with the Earl's journey to England to meet King James the First, the sum of money being perhaps intended to defray expenses. The Notes given [No. 318 *infra*]

also from old Inventories, of the Papal bulls granting Indulgences to the collegiate church of Dunglas, will be found interesting.

291. Transcript, dated 8th October 1426, of an early writ of the lands of Letham, c. 1269.

The Charter transcribed is as follows: — Omnibus hoc scriptum visuris uel audituris, Johannes de Lethame filius domini Johannis de Lethame, salutem; Noueritis me dedisse et concessisse et hac presenti carta mea confirmasse Ketell. filio meo et heredibus suis de corpore suo exeuntibus illa tofta et crofta que Radulphus Bercarius, Walterus Alewyne et Ketell Dudeman de me tenuerunt in villa de Lethame, que iacent inter toftum et croftum Duncani filii Nicholaii de Lethame ex vna parte, et toftum et croftum Johannis Sutoris ex altera, et descendunt usque in aquam de Lambden; et toftum et croftum que Adam Newbonde tenuit, cum tanta extensione versus magnam viam ante hostium suum aquilonare quantam predictus Duncanus et heredes sui habent uel habere poterunt ante hostium suum ex eadem parte; et totam terram quam Nicholaius filius persone vendidit Johanni de Blakeder, quam idem Johannes mihi resignauit in plena curia comitis Patricii de Dunbar, et mihi quietam clamauit pro quadam finali concordia inter me et predictum Johannem confirmata; dedi et predicto Ketell et heredibus prenominatis suis, toftum et gardinum quod Alexander Dossel tenuit et septem acras super Langrig orientales, juxta vadum petarie, cum vno prato quod vocatur Leppoke, saluis mihi et heredibus meis libero introitu et exitu cum animalibus nostris; et tres acras super le Crukes inter le Linthelanndis et pratum meum et vnam acram et vnam particatam super quam bercaria quondam fuit fundata; et duas acras super Belchester juxta viam de Hersil in parte orientali; et totam terram quam emi de Duncano filio Nicholaii silicet duodecim acras super Sowth Langrig iuxta viam de Hersil ex parte occidentali; et terram cum prato quam predictus Duncanus vendidit Waltero filio Johannis de Blakedir, quam idem Walterus postea mihi vendidit que iacet super Belchester australem; et totam terram arabilem quam Duncanus tenuit et habuit super Belchester aquilonarem, cum prato quod jacet inter colles Belchestrie preter vnam acram propinquiorem terre mee in oriente; et medietatem terre quam idem Duncanus habuit super le Crukes et vnam acram in augmentationem in eadem cultura; et totum pratum quod predictus Duncanus habuit in Hemmingleth aratum et inaratum; et sex acras jacentes in parte occidentali iuxta vadum petarie, et illam terram que vocatur le Toftis que mea fuit, saluis michi et heredibus meis libero introitu et exitu cum animalibus nostris. Preterea dedi et concessi predicto Ketell et heredibus suis predictis pasturam in dominico meo ad decem boues et sex vaccas, cum earum sequelis duorum annorum et ad quatuor equos ibidem pascendos; et vnam brasinam super terram suam vbicunque viderit sibi melius expedire; et volo quod homines mei communiter bibant et emant de ceruisia hominum suorum sicut de ceruisia hominum meorum; volo etiam quod homines sui, libere et sine aliqua defencione dominorum uel balliuorum suorum, emant brasium et alia victualia in terra mea sicut et homines mei in terra sua si minime habeant; volo eciam quod dictus Ketell et heredes sui prenominati habeant sufficientem sustentationem in petaria mea apud Ketelschel et bruaria in mora mea comburenda in domo sua, adeo bene apud Lethame quam apud Ketelscel, ita quod non vendant uel distruant; volo eciam quod predictus Ketell et heredes sui libere et sine multura et in mediate post blada mea molant ad molendinum meum de Lethame: et si contingat quod predictus Ketell uel heredes sui in

curia mea uel heredum meorum pro aliquo delicto ceciderint, volo quod amerciamentum eorum sit duodecim denariorum argenti et non amplius, et si homines predicti Ketell uel heredum suorum in curia mea uel heredum meorum ceciderint, volo quod amerciamenta eorum reuertantur predicto Ketell et heredibus suis, adeo bene hominum suorum de Ketelschel sicut hominum suorum de Letham, sine aliqua contradictione mei uel heredum meorum; et si ita contingat quod predictus Ketell non habuit heredem de corpore suo, volo quod juniores fratres sui de vno patre et matre descendentes omnia predicta habeant, successiue, quousque perueniatur ad aliquem predictorum fratrum quem heredem habere continget de corpore suo, et si nullus eorum predicto modo heredem habuerit, volo quod omnia predicta michi et heredibus meis reuertantur sine aliqua diminutione: Tenendas et habendas sibi et heredibus suis de me et heredibus meis in feodo et hereditate, libere, quiete, pacifice et honorifice, cum omnibus libertatibus et aysiamentis predicte ville de Lethame pertinentibus; reddendo michi et heredibus meis annuatim vnum denarium uel vnum par cirotecharum albarum in die natali Domini pro omnibus seruiciis secularibus: Ego vero Johannes et heredes mei omnia predicta, predicto Ketell filio meo et heredibus suis sicut pretactum est contra omnes homines et feminas warantizabimus acquietabimus et defendemus imperpetuum. In cuius rei testimonium, presenti scripto sigillum meum apposui; hiis testibus, Domino P[atricio] f[ilio] comitis, Domino Thoma Ranulphi, etc., camerario Scocie, Domino Ricardo de Polworth, Domino Henrico, etc., Magistro de Ecclis, Domino Gilberto, etc., Magistro de Caldstreme, Philipo de Haliburton, Adam de Gordon, Duncano de Lethame, Waltero de Lethame, Roberto de Lethame, Rollando Harhame et Adam Harhame cum multis aliis.

[The notary who transcribed the writ adds the following docquet:—Et ego vero Jacobus Gibson clericus Sancti Andreæ diocesis publicus auctoritate imperiali notarius, suprascriptam cartam coram hiis testibus, videlicet, Johanne de Gordoun, Willelmo et Henrico de Lewingiston de Calentar et Thoma de Spens cum multis aliis, legi, tenui et diligenter examinaui non rasam non abolitam non cancellatam sed omni prorsus vicio et suspectione carentem sanam et integram in pergamino scriptam sigillatamque vero sigillo dicti Johannis de Lethame in cera alba, portans infra rotundum sigilli vnum scutum, cum cruce in medio scuti; ideoque ad instanciam probe mulieris Cristine Rayney de uerbo in uerbum copiaui et hanc publicam formam redegi, manuque mea propria scripsi et hic me subscripsi, signumque meum consuetum apposui, rogatus et requisitus in fidem et testimonium omnium premissorum.—J. G.]

292. Charter under the great seal, granted (apparently by King James the First) in favour of the King's chaplain "Thomas de Lawedre" of the House of God or Hospital lying in the burgh of Berwick upon Tweed; to be held to him for the whole time of his life with all lands, teinds, rents and profits, etc. belonging to said hospital, as freely as is granted to any other hospital in the Kingdom of Scotland; the king also commands all those concerned to pay to the grantee all things necessary for the support of the hospital. Dated at Edinburgh 8th June in the 20th year of reign [1425].

[The charter has no date and the seal, once appended, is now wanting, but the handwriting and other considerations indicate that it is of the reign of King James the First.]

293. Charter of William Douglas, second Earl of Angus, to Alexander Home of that ilk, 1435–6, the formal portions omitted.

Omnibus hanc cartam visuris uel audituris, Wilelmus de Douglas comes Angusie et dominus Vallis de Ledale et foreste de Jedwordth ac gardianus marchie orientalis Scocie versus Angliam, salutem in Domino sempiternam; Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et speciali nostro armigero Alexandro de Home de eodem, pro suo seruicio et consilio nobis impensis et impendendis, pro toto termino vite sue, totas terras nostras integras de Lyntlawys cum pertinenciis, cum terra nostra que vocatur Manys de Crukisfeylde et terra nostra de Prestoun, iacente propius terra de Lyntlawys, dum ipse habuerit plenarie complete viginti libratas terre cum pertinenciis insimul et integre, infra regalitatem nostram de Bonkyll et infra vicecomitatum de Bervyk; Tenendas et habendas totas predictas terras de Lyntlawys, Crukisfeylde et de Prestoun cum suis pertinenciis, predicto Alexandro pro toto termino vite sue, cum omnibus commoditatibus . . . per omnes rectas metas . . . durante tempore supradicto; Et si contingat dictum Alexandrum propter guerram inter marchias dictis viginti libratis terre de Lyntlawis, Crukisfeylde et de Prestoun pacifice non gaudere, nos vero dictus comes, duranti tempore guerre viginti libras vsualis moncte Scocie de [terris] nostris obligamus nos, pro nobis et heredibus nostris et successoribus, predicto Alexandro uel suo certo autturnato annuatim persoluere: Reddendo inde annuatim nobis et heredibus nostris et successoribus predictus Alexander, pro toto tempore vite sue, pro dictis terris cum pertinenciis vnum denarium nomine albefirme ad natiuitatem sancti Ihoannis Baptiste ad capitale messuagium tantum modo si petatur, et presenciam suam in nostro itinere per se uel per suos procuratores, pro omnibus aliis seruiciis, . . . Dated at Tantallan, 10th February 1435–6.

294. Charter by William of Duns to Walter of Spens of a husbandland in Duns. 1437–8.

Omnibus hanc cartam visuris uel audituris Wilelmus de Duns, filius quondam Wilelmi de eodem, salutem in Domino sempiternam: Sciatis me dedisse concessisse et hac presenti carta mea confirmasse dilecto meo et speciali amico, Waltero de Spens, filio et heredi Hugonis de Spens, duas partes vnius husbandi terre cum pertinenciis, jacentes in villa et territorio de Duns ex parte boriali, inter terram que vocatur Wynschelisland ex parte occidentali, ex parte vna, et terram Ricardi de Wethirle ex parte orientali, ex parte altera, infra comitatum Marchie et vicecomitatum Berwici pro sua magna gratitudine, auxilio et consilio mihi sepius impensis et inposterum impendendis; Tenendas et habendas predictas duas partes husbandi terre cum pertinenciis predicto Waltero et heredibus suis, a me et heredibus meis . . . sicut ego predictus Wilelmus uel predecessores mei predictas duas partes husbandi terre cum pertinenciis tenui, uel possedi, tenuerunt uel possiderunt, aliquo tempore retroacto. Reddendo inde annuatim predictus Walterus et heredes sui domino superiori seruicium debitum et consuetum tantum, pro omnibus aliis seruiciis, . . . At Dunbar, 12 February 1437–8.

295. Charter under the great seal, by King James the Second, granting to Adam Turnbull the lands of Greenwood in the sheriffdom of Roxburgh, which were resigned by Walter Dalgles, of Greenwood; To be holden to Adam Turnbull as Walter Dalgles held the lands, for services due and wont. Dated at Edinburgh 27th February, 3rd year of reign [1439]. Witnesses, James Douglas lord of Dalkeith, William Lord of Crichton, Chancellor, Robert Crichton of Sanquhar, John Cockburn and William Cranstoun, knights, and Thomas Myrton, dean of Glasgow. [See also Registrum Magni Sigilli, vol. 2, No. 223.]

296. Notarial Instrument narrating that James of Hyll or Hill, parishioner of the parish church of Tynyngham, St. Andrews diocese, appeared in presence of a reverend father in Christ, James [Kennedy] Bishop of St. Andrews, and in terms of a letter of procuratory and a letter of resignation, both of which were produced and read, he in name of David of Lauder, resigned two husband lands, one brewland, and five lands called commonly "cotland," lying within the territory of Tynyngham in the constabulary of Haddington, into the hands of the bishop, as lord superior of the lands, who accepted the resignation and thereafter granted the same lands, by delivery of staff and baton, to Thomas of Hume there present. The letter of procuratory is given at length by the notary. By it David of Lauder appoints James of Levynsgton, captain of Stirling Castle, Archibald of Dundas, Duncan of Dundas, Eustace of Duns, squires, [scutiferos], and James of Hyll, as his procurators, in due form, for resigning the lands. This letter and the letter of resignation, also given in full, were dated at "le Crag," 20 June 1443. Thomas of Hume asked instruments, and these things were done in the palace of the bishop within the city of St. Andrews, in presence of Mr. John Legate, Archdeacon, Andrew Young, rector of New, David Ramsay, canon regular of St. Andrews, Mr. William Mudy, vicar of Cargill, diocese of Dunkeld, Sir William Knollys, dean of Haddington, David Maxwell, Henry Straton and Robert of Spens, esquires, witnesses. David Kay, notary. 27th June 1443.

297. Notarial Instrument narrating that Sir Alexander Home of that Ilk, knight, as procurator on behalf of Andrew Tayt, resigned a piece of land, templar-land belonging to Tayt, lying in the town of Hutton in the earldom of March, into the hands of Friar Andrew Meldrum, preceptor of the order of St. John of Jerusalem, of Torphichen in Scotland, superior of said templar-land; and the resignation made, the Preceptor granted the land to Sir Alexander in the usual form. Done in the castle of Stirling at 11 o'clock a.m. on 14 November 1443; witnesses, Patrick of Home, Archdeacon of Teviotdale, Gilbert Forester, archdeacon of Brechin, Edmund Hay and Alan Clerk. John of Atheray, notary.

298. Charter by John, Prior of Coldingham, with consent of his chapter, granting and confirming to Sir Alexander Hvme of that Ilk, knight, for his good deserts and services done and to be done to the monastery, the office of bailiary of the whole kirk lands and annual rents wherever pertaining to the monastery, with the sum of 20*l.* Scots yearly, as the fee for exercising said bailiary; To be held the said office and fee of 20*l.*, to Sir Alexander and his heirs, with the power of appointing substitutes, of the convent and their successors in fee and heritage, with all the usual privileges: The prior and convent also grant that after the decease of Sir Alexander, if it happen that his heirs are under lawful age, George Hvme son of Sir Alexander shall enjoy the office of bailiary with the fee, and administer the same until the majority of the said heirs, and failing George Hume, the nearest tutors of Sir Alexander shall hold the office. Dated at Coldingham 2nd August 1465. Signed by the Prior and ten monks, the prior signing thus "Nos Joh̃ p'or obligamus nos ad p^emissa." [A notary's docquet affixed names the following persons, apparently as witnesses to the transaction, John Brown, James Fleming and James Lumsden, chaplains, John Ellem of Butterden, William Aldyncraw, and Peter of "Antegauis." Thomas Tochric, notary.]

299. Decree of separation between Isobel Douglas and Alexander Hume, 1476.

Cristi nomine Inuocato Nos Johannes Ottirburn Archidiaconus Candide case ac Officialis Sanctiandree infra Archidiaconatum Laudonie judex pro tribunali sedentes in quadam causa matrimoniali tendente ad diuorcium, coram nobis mota et adhuc pendente indecisa, inter nobilem domicellam Isabellam Dowglais, actricem, ab vna, et nobilem virum Alexandrum Howme apparentem heredem Alexandri Domini Howme, reum, partibus, ab alia, Cognoscentes auditis prius partium predictarum peticionibus, responsionibus, allegationibus et rationibus hincinde exhibitis, dicteque cause meritis per nos visis, discussis et ad plenum intellectis jurisperitorum communicato consilio et secuto, solum Deum pre oculis habentes eiusque nomine sanctissimo primitus inuocato, per hanc nostram sentenciam diffinitiuam quam ferimus in hiis scriptis pronunciamus, decernimus et declaramus matrimonium de facto et non de jure contractum inter dictos Alexandrum et Isabellam nullum fuisse et esse, ex et pro eo quod dicti Alexander et Isabella se inuicem attingunt in tertio et quarto gradibus consanguinitatis, ipsosque propterea ab inuicem separamus et separatos esse decernimus, et quicquid alter ab altero recepit causa dotis aut donationis propter nuptias restituendum fore et restitui debere et hoc omnibus quorum interest notum facimus per presentes; lecta, lata et in scriptis redacta fuit hec nostra sentencia diffinitiua, in ecclesiam beati Egidii de Edinburgh loco consistoriali solito et consueto, penultimo die mensis Maii anno Domino millesimo quadringentesimo septuagesimo sexto, indictione nona pontificatus sanctissimi in Christo patris et domini nostri, domini Sixti, diuina prouidencia pape quarti, anno quinto, hora vndecima ante merediem vel eocirca, in presentia dicti Alexandri Howme, rei in causa, et domini Jacobi Fulfuod dicte Isabelle procuratoris; presentibus ibidem venerabilibus et discretis viris magistris et dominis Ricardo Roberti, Johanne Flemyng, Gilberto Ottirburn, de Suthek, Slanys et Pinkartoune, Rectoribus, William Fawsyd, Kentigerno Crychtoune, Johanne Moffet, Alexandro Ottirburn, presbytris, Johanne Carmychell, Patricio Howme, armigeris, et Henrico Mayr notario publico, testibus ad premissa vocatis pariter et rogatis. George Cotis, notary.

300. Commission by King James the Fourth, appointing Alexander Home, grandson and heir of Alexander Lord Home to be steward of the King's earldom of March and barony of Dunbar, for the period of nine years immediately following the date hereof, giving him full power of holding courts of Stewartry in the earldom and barony, with all other usual authority. Given under the great seal at Edinburgh 31st July 1488.

301. Letters under the Privy Seal by King James the Fourth, granting to Alexander Hume, son and apparent heir of Alexander [second] Lord Hume, the rents and duties of the twenty shilling worth of land lying in the town of Ersiltoun [Earlston] in the earldom of March and sheriffdom of Berwick, for all the time they have been in the king's hands since the decease of the late David Whitelaw, the king's tenant of the lands, and for the whole time that they shall be in the king's hands by nonentry of the righteous heirs. Given under the privy seal at Edinburgh 29th April 1503.

302. Precept of Sasine by Patrick Home of Polwert, knight, directed to David Home of Wethirburn, knight, James Priugyll, Alexander

Pringyll, Robert Wod, Thomas Ruthirfurd, Alexander Home and William Mathesone as his bailies, Because with consent of his wife Helen Schaw he has given and granted in perpetual alms for one chaplain celebrating and to celebrate mass, chanting and to chant within the collegiate church of Our Lady of Dunglas, and principally at the altar of St. Cuthbert situated in the south aisle of the said church, the lands of "Vigorushalch" with their pertinents, lying in the sheriffdom of Roxburgh, along with an annual rent of forty shillings Scots, due to the granter from the mains lands of Mordington lying in the sheriffdom of Berwick; therefore the granter and his wife command the bailies to give sasine of the said lands and annual rent to the one chaplain or prebendary, according to the tenor of the charter of foundation of said prebend. The precept is dated at Dirleton 16th September 1503, and the seals of the granter and his wife are still appended. The first bears a lion rampant for Home, the legend being broken and not very legible; while the second seal bears three covered cups, two and one, for Shaw, with a mollet in centre of the shield. Legend "S. Elene Shaw."

303. Retour of Inquest made in presence of William Douglas of Cavers, knight, sheriff of Roxburgh, by the following jurors, William Cranstoun of that Ilk, Ralph Ker, Andrew Ker of Fernihirst, Alexander Seton, knight, William Ker, Mark Ker, John Murray, Roger Langlands, John Riddell of Whittoun, James Edmondstoun of Ednam, William Turnbull of Minto, David Pringle of Smailhame, George Turnbull, John Scott, John Gurlaw, Robert Ker, and John Moll of that Ilk, who on oath declared that the late Alexander Lord Hume, father of Alexander Hume, bearer of the present writ, died last vest and seased in the lands of the barony of Hownam mains, Over Chatto, Over Crailing with the manor and mill thereof; the lands of Greenwood, Lyne, Stously, Grundiston and Harden, in the county of Roxburgh; that Alexander Hume is the nearest and lawful heir of the late Alexander Lord Hume, his father, and that he is of lawful age; that Hownam mains, Over Chatto, and Over Crailing were valued at 35*l.* Scots, and in time of peace 10*l.* Scots, old extent, and were held of the king, for ward and relief; that the lands of Greenwood were valued at 3*l.* Scots and in time of peace at 2 merks old extent, and were held of William Turnbull of Minto as superior, for one penny blench; that the lands of Lyne were valued at 2*l.* Scots, in time of peace 1 merk, and were held of the king for ward and relief; that Stously and the five merk lands of Grundiston were valued at 5*l.* Scots, in time of peace at six merks, and were held of the Earl of Bothwell as baron of the barony of Chamberlain-newton for one penny blench; that Harden was valued at 10 merks, in time of peace at 5 merks and held of Earl Bothwell as baron of the half barony of Wilton for one penny blench—[but William Cranstoun of that Ilk, John Gurlaw, and David Pringle said that Harden was held for ward and relief.] Also that all these lands were in the hands of their respective superiors, because of the death of the late Alexander Lord Hume, who died forty-three days last past. Retour dated at the burgh of Jedburgh 22 October 1506.

304. Letters or precept under the privy seal by King James the Fifth, directed to James [Beaton] Archbishop of Glasgow, chancellor of Scotland, narrating that the king had with consent of his mother, Queen Margaret, and of the lords of his council, granted to Alexander [third] Lord Hume, great chamberlain of Scotland, his heirs and assignees, the ward of all the lands and others, as well property as tenandry, of the late Patrick Lord Haliburton of Dirleton, now by his

decease, in the hands of the king, until the lawful heirs obtain sasine; also the marriages of Janet Haliburton, Mariota Haliburton and Margaret Haliburton, daughters and heiresses of the late Lord Haliburton, and failing them by death, the marriage of any other heir of the said lord; To be held the ward and nonentry of the said lands to Alexander lord Hume, and in case he make no disposition of the same during his life, to John Hume his natural son by Katherine Stirling, whom failing, to Lord Hume's nearest heirs, with the rents and profits of the lands; Lord Hume paying into the royal treasury one thousand merks by way of composition for the said ward and marriages, and giving the services of himself and his friends in defence of the kingdom. Given at Perth, 14 December 1513.

305. Letters under the quarter seal by King James the Fifth, directed to the subprior and convent of the priory of Coldingham, relating to the office of bailiary granted to the late Alexander Hume of that ilk, knight, [cf. No. 298 *supra*] which office has fallen in the kings hands by the forfeiture for treason, of the late Alexander Lord Hume, great grandson of Sir Alexander; the king being unwilling that the priory should suffer prejudice, presents to them, with consent of his tutor John Duke of Albany, George Hume, brother german of the said Alexander Lord Hume, exhorting them to receive him as their heritable bailie. Dated at Edinburgh—August 1522.

306. Retour of Inquest made in presence of James Douglas of Cavers, sheriff of Roxburgh, by the following jurors Andrew Ker of Farnyhirst, George Douglas of Bunjedward, James Murray of Fawlayhill, George Rutherfurd, son and apparent heir of John Rutherford of Hundolee, George Turnbull of Bedrule, William Halden of that Ilk, William Ker, William Kyrktoun, Lanslet Ker, George Turnbull in Bedrule, Thomas Leirmonth, James Douglas, Richard Alanson, George Fawlay of Wellis, and Robert Richardson, who declared on oath that the late John Hume, uncle of John Hume bearer of the present writ, died at the king's peace, possessed of the lands of Syndlaws in the sheriffdom of Roxburgh; that John Hume is the lawful and nearest heir of his late uncle, and is of lawful age by a royal dispensation in virtue of a royal act passed at Twizelhaueh in Northumberland, before the conflict at Flodden, because the late John Hume died fighting under the king's banner at Flodden against the English; that the lands of Syndlaws are valued at 10*l.* Scots and in time of peace, and are held of the king for ward and relief; and that they have been in the hands of the Crown since the death of John Hume at Flodden on 9th September 1513. Dated at the Courthouse of Jedburgh, 28th July 1523.

307. Letters under the quarter seal of Mary Queen of Scots, of date 3 September 1550, ratifying the following contract, dated 9th October 1528:—

At Edinburgh the nynt day of October the yeir of God 1^{m} v^{c} and xxviij yeiris In presens of the kingis hienes and lordis of counsale, comperit George lord Hume and Johne [Home] Abbot of Jedburgh; with thair kyn, frendis and seruandis and tuke vpone hand and takis apone thame to expell Archibald sumtyme erle of Angus his assistaris and part takaris, oure soueraue lordis rebellis conuict for crymes of lese maieste, furth of the placis of Coldinghame and Colbranspeth and keip the samin fra thame, and sall do thair vtir power and deligence to expell thame and hold thame furth of the boundis of the Merse, and nocht to thole thame to haue resset thairintill, nor thole thame eum throw the

boundis of the Merse to the invart pairtis of the realme, pece standand betuix the realmis of Scotland and Ingland; for the quhilk caus the kingis grace grantis to my lord Hume and my lord of Jedburgh his bruther thir desiris followand; In the first the kingis grace sall cause the said Abbot of Jedburgh, be consent of Master Adame Blacater priour of Coldinghame, to be promouit to the said priory, and his grace to satisfy and pleis the said Master Adame thairfor with vthir benefice; Item the kingis grace sall gif in reward to the said Lord Hume, the landis and baronies of Bonkle and Prestoun, with thair pertinence, tennand and tennandriis to be haldin of oure souerane lord as vmquhile the said Archibald erle of Angus had the samin of befoir; Item the kingis grace sall cause his moder the quene to mak ane letter of tak, with his anise and consent, to the said abbot of Jedburgh, his airis and assignais, of the landis of Colbrandspeth with the tour and fortalice of the samin with thair pertinence, siclik as he had it of befoir of his said derrest moder, for the space of xix yeiris, and sall pleise the lard of Keir for the takkis and rychtis that he hes of the samin; Item the kingis grace promittis that he sall, at the request of the Lord Hume and Abbot of Jedburgh, grant and gif ane remissioun to ony personis nocht beand yit conuict of lese maieste, now beand in company or parttakar with the said vmquhile erle of Angus, duelland within the boundis of the Merse or Tenedaile, with thair escheitis, sua that thai leif in the said erles cumpany and his parttakaris within vj dayis, and remane trew liegis to our souerane lord in tyme to cum, and sall grant ane remissioun to the said lord Hume, his kyn, frendis and parttakaris now dependand apoun him for all crimes bigane, the Twedys and all vthairis beand at the slauchtir of vmquhill Johne Lord Fleming beand exceptit furth of the said remissionis; Item gif thair be ony maner of personis within the said boundis or Lammermure that fra thyn furth assistis to the said vmquhile erle, or his parttakaris, beand convict thairfor alanerlie, the kingis grace grantis thair eschetis baith of gudis mouabile and immouabile to the said lord Hume and Abbot of Jedburgh, to be disponit be thame as thai sall think expedient; Item the kingis grace grantis to the said lord and his bruder for the expulsioun of the saidis rebellis and keping of the said house and strenthis aboun writtin, lx speris furnist in all expense for the space of thre or four monethis, with xxiiij culuenaris with culueringis, pulder and expense for the space of ane moneth and langar if neid beis; Item gif it sall happin my lord Hume or ony vther landit men, beand in his cumpany and takand part with him, to be slane in his persute or resistance of the saidis tratowris, rebellis, assistaris and parttakaris, the airis of thame that sall happin to be slane in maner foirsaid sall hait the samyn priuilegis of the act maid at Twislehauch grantit to the airis of thame that sall happin to be slane vnder the kingis baner in Ingland; Item the kingis grace sall cause the lordis and baronis of Loutheane, or vthairis to the numer of four hundreith or five hundreith men, to pas with the said lord Hume and his broder for expulsioun of the saidis rebellis, traitouris and assisteris, furth of Coldinghame and thair to remane for the space of thre or four dayis, sua that in the meyntyme thai may prouide the said place of Coldinghame, for the keping thairof, with sic besynes as salbe thoucht expedient; Item our souerane lord ordanis lettres to be direct to command and charge all and syndrie his liegis, duelland within the boundis of the Merse, Est Loutheane, Lawmermure and Tevidale that thai and ilk ane of thame sall reddily ansuer, help, supple and defend the said lord Hume and his broder in persecutioun and resisting of the saidis rebellis, traitouris and thair parttakaris als oft as thai salbe requirit, vndir the panis that quha disobeyis salbe reput and haldin as art and part

takaris with the saidis tratowris in thair trasonabil deidis and puneist thairfoir as the saidis principale tratowris, and gif it sall happin the saidis tratowris and rebellis to birne ony cornis pertenand to the said lord Hume, the Abbot of Jedburgh, or ony vthairis quhilkis takkis thair part for expulsioun and resisting of thame, our souerane lord sall haue consideratioun thairof and cause thame, sa beand scaithit and brint, to be recompensit. [Extracted, and confirmed under the quarter seal, 3 September 1550.]

308. Composition or letters stating that a remission had been compounded for by Symon Furd in the Tofts, Robert Diksoun in Bouchrig, Robert Stevinsoun in Chanabank, John Diksoun in the Bus, John Allanesoun in Godiscroft, William Farlie in Puddingraw, James Brunefield in Hassingtoun mains, Nicholas Tuedy in Fulschotlaw, Patrick Brounefield in Hassingtoun, William Diksoun in Bouchrig, Robert Diksoun in Letham, William Brunefield in Gordoun mains, Edward Brunefield in Grynlaw, Robert Diksoun in Hassingtoun mains, Patrick Diksoun, brother of John Diksoun of Kames, John Diksoun of Belchester, Robert Diksoun his brother, all abiding in the sheriffdom of Berwick, for their treasonable intercommuning with, and assistance given to Archibald sometime Earl of Angus, George Douglas his brother, their uncle Archibald Douglas and their accomplices, in their treason committed against the peace of the king and his lieges; and for all crime charged against the said persons, that they shall not be fined or punished for offences committed before the date hereof. Signed by the lords compositors at Haddington 3 June 1529. "Jhon lord Arskin" "D. de Abꝰbrothoke" "G. pꝰor de Pluscardī" and two other signatures, one being that of the treasurer, and the other not readily decipherable.

309. Gift under the privy seal by King James the Fifth in favour of George Lord Hume, his heirs and assignees, of all goods movable and immovable, whatsoever, in the sheriffdom of Berwick, which belonged to Archibald some time Earl of Angus and George Douglas his brother, and also of all rents and duties of the lands and baronies of Bonkle and Preston for the term of Whitsunday past and the term of Martinmas to come, now in the king's hand by the forfeiture of the earl and his brother. Dated at Edinburgh, 20th September 1529. [On the same day the king granted to Lord Hume the escheated goods of those persons residing in the bounds of his lieutenantry, convicted of not riding with him in the royal service for resisting and expelling the rebels.]

310. Charter under the great seal by King James the Fifth, narrating a commission directed to James Johnstoun and Thomas Hamilton, macers, as sheriffs of Berwick in that part, stating that Elizabeth Hume, and John Hume, son natural of the late Alexander Lord Hume, had a gift of the nonentries of the lands of Hutounhall with mill, etc. lying in the sheriffdom of Berwick, during the period in which the lands were in the hands of the Crown from the decease of the late George Ker of Samuelstoun, by which commission the sheriffs summoned all parties interested to appear in the courthouse of Edinburgh for their interest, on 16th March 1528–9, on which date the said Elizabeth and John Hume, and George Lord Hume, Janet Hume, daughter of the late Alexander Lord Hume, and Patrick Hume, brother of the late David Hume of Wedderburn, appeared by their procurators or in person, when it was found that the lands had been in the hands of the king and his father for the space of twenty-three years and a half and that the rents of the lands were 100 merks yearly. The sheriffs decerned the lands to be apprised for payment of the nonentry duties to the said Elizabeth and

John Hume, and 5 chalders of oats, price of the chalder with the straw 4*l.* Scots, 14 bolls of wheat price of the boll 12*s.*, 2 chalders of barley, price of the chalder with the straw 5*l.* 6*s.* 8*d.*, and 4 bolls of pease, price of the boll with the straw 6*s.* 8*d.* extending in all to 40*l.* Scots were seized on the lands. The lands were apprised for 2,289 merks 5*s.* 8*d.* in complete payment of 2,350 merks the full sum of the non-entries; and on 14 February 1530–1, as no person was found to buy, and no objection was offered they were sold and assigned to the said Elizabeth Hume, to whom the king grants the lands in due form to be held for ward and relief. He also desires that the proprietors shall have regress if the said sum be paid, within seven years. Given at Edinburgh 22 January 1531–2. [Cf. also Registrum Magni Sigilli, vol. 3, No. 1111, where Elizabeth Hume is described as "filie naturali quondam Alexandri Domini Hume."]

311. Charter by King James the Fifth under the great seal granting to John Hume, son natural of the late Alexander Lord Hume last deceased, for his services against the English, the lands of Greenlaw and others described, in the earldom of March and sheriffdom of Berwick; to be held in feufarm to the grantee and his heirs, failing whom the lands to pass to George Lord Hume and his heirs. Given at Edinburgh 20 August 1533. [This writ is only briefly noted here, being in the Home charter chest, but it is fully given in Vol. 3 of the printed Registrum Magni Sigilli, No. 1302.]

312. Letters under the Privy seal of King James the Fifth granting to Alexander Hume son and heir apparent of George Lord Hume, "all gudis mouable gold siluir cunzeit and vncunzeit, clething abilzeamentis, insicht, nolt, schepe, horse, harnes gunnis artailzery, gun powder, cornis, catell, dettis, takkis, obligationis, soumes of money, richtis reuersionis, assignationis . . . and specialie the reuersionis letters and assignationis vnder writtin" which belonged to the late Alexander Lord Hume, and fell in the kings hands by reason of forfeiture, having been granted by him in his minority to Agnes Countess of Bothwell, Elizabeth Mertyne and others, and afterwards revoked: With power to the grantee to use the said goods and specially to use the following reversions and assignations for redemption of the lands named in them, all in favour of the late Lord Hume. (1) An assignation by the late William Livingstone of Drumry with consent of Robert Livingstone, then his son and apparent heir, dated 5 February 1493–4, of three reversions, one by the late Alexander Scot of Howpaslot over Midshiels and Appletreehall for 500 merks, another by Walter Turnbull for 200 merks over the Eastmains of Hassendean and the third for 200 merks by John Scot over the lands of Clarilaw all lying in the barony of Hassendean and sheriffdom of Roxburgh: (2) A reversion by the late Walter Scot of Howpaslot for 200 merks over Appletreehall, dated Edinburgh 6th May 1502: (3) An assignation dated Edinburgh 9th June 1512 by George Inglis of Lochend of two reversions by the late William Redpath of Greenlaw, one for 40 merks over a two merk land and another for 40*l.* over a three merk land both in the tenantry of Greenlaw within the sheriffdom of Berwick: (4) An assignation, dated Edinburgh 31 March 1491, by the late James Hering of Tulibole, baron of Upsetlington, of a reversion by the late George Hume of Wedderburn over the lands of Greenside and Ramrig in that barony and sheriffdom of Berwick: (5) A reversion by the late David Hume of Wedderburn, knight, over the same lands for 300 merks, dated Edinburgh 13th November 1505: (6) A reversion by Robert Scot of Stirkshaw over the lands of Harden, barony of Wilton,

sheriffdom of Roxburgh for 100*l.*, dated Edinburgh 3 January 1501–2: (7) A reversion dated at Hailes 27 October 1478 by the late Patrick Earl of Bothwell for 100 merks over two merks worth of land and a croft called "Ryde awayis croft": (8) A reversion by the late William Ker of Mersingtoun for 300 merks over twenty merks of land in the barony of Broxfield and sheriffdom of Roxburgh [no date given]: (9) A reversion [no date] for 200 merks over the same lands by the late Thomas Ker of Mersingtoun: and (10) An obligation, dated Edinburgh 15 May 1516, for 1,000 merks by Andrew Ker of Fernihirst and the late Thomas Ker, his son and apparent heir. Gift dated at Stirling 24 June 1535.

313. A series of Commissions of Lieutenancy and Wardenry to George Lord Home and his son between 1529 and 1562.

1. Commission under the quarter seal of King James the Fifth, appointing George Lord Hume the royal lieutenant within the bounds of the Merse, Lauderdale, Teviotdale, East Lothian and Lammermuir, for preserving peace and resisting rebels, with all necessary powers. Edinburgh 6 September [1529].

2. Commission by Mary Queen of Scots, with consent of James Earl of Arran, Governor of the kingdom, to whom it clearly appears that the lieges inhabiting the eastern marches of Scotland have perpetrated and do daily commit assaults and acts of injury, which if not reformed, may become occasion for breaking the peace lately made with the Queen's grand uncle, Henry King of England: Wherefore the Queen appoints George Lord Hume warden within the bounds of the Merse and of the East marches opposite England, for the space of one year from date, giving to him full powers of wardenry, for holding courts, "dayis of trew," and punishing transgressors. Given under the great seal at Edinburgh 17 August 1546.

3. Commission by Queen Mary, narrating, that because of the services done to her by Alexander Lord Hume, and because her poor subjects on the east marches are grievously despoiled and disturbed by thieves, robbers and other malefactors, she for the suppression of such evils has appointed Lord Hume warden on these marches towards England and also justiciary of that wardenry, committing to him a full and special mandate of Wardenry and Justiciary. Given under the great seal, 16 July 1550.

4. Letters under the great seal by Mary Queen of Scots. . . . Noueritis quod quum charissime matri nostre, Marie regine, dotarie et regni nostri regenti, relatum sit, quod Comes Northumbrie vicesimo sexto die mensis Decembris nouissime elapse, ab Anwik scripserat dilecto nostro consanguineo Alexandro Domino Hume, gardiano orientalium et mediarum marchiarum regni nostri versus Angliam, penes intercommunicationem inter dictum nostrum consanguineum ac dicti comitis fratrem que antea fuerat, tangentem pacem atque mutuam amicitiam inter hoc nostrum regnum regnumque Anglie habendas, declarando memorati comitis bonam affectionem ad easdem totis illius viribus procurandas, ac pro huiusmodi expeditione, desiderando prefatum nostrum consanguineum locum conuenientem appunctuandi, vbi eius frater sufficienter auctorizatus cum eo desuper late intercommunicare valeat, cui pacis proposito quum Deo optimo maximo admodum gratum sit, idque Christianos homines libenter amplecti deceat, et maxime principes quorum id precipuum munus est, nos ita animate sumus ut si quo modo inter Christianos principes omnes pacis vniuersalis tractande ratio iniri possit lubentes nostram tam pro operi nauare cupiamus operam." Wherefore the queen appoints Alexander Lord Hume to be her procurator and special com-

missioner, giving him full power to meet with the Earl of Northumberland, his brother, or any other holding commission from Mary Queen of England, to learn from them how that queen is disposed towards the public peace of the world ["totius orbis"] and of these kingdoms, also to confer and treat with them on her part; and if there be any hope that from such treaty public peace may arise between her and other princes, Lord Hume is empowered to conclude, in the interval, a temporary truce of eight or fifteen days or at the most of two months. Given at Edinburgh 2nd January 1557–8. Signed by the Queen Regent, "Marie R."

5. Letters under the great seal by Mary Queen of Scots . . . Noueritis quod nos ad commune bonum regni nostri, quietem et tranquillitatem ligeorum nostrorum eiusdem ac pro bono regimine super limitibus jam pacis tempore et specialiter intra bondas de Liddisdale obseruando, sic quod ligei et subditi regni nostri nec serenissime sororis et consanguinee nostre Regine Anglie super inhabitantibus infra dictas bondas causam habeant conquerendi, imposterum respectum et zelum habentes et videntes dictos inhabitantes de vno gardiano, seu custode et rectore ad bonum regimen inter illos ponendum restitutionemque subditis Anglie faciendam destitutos esse casu quo ipsi priuatas incursiones, equitationes aut furta super eiis faciant seu committant," therefore the queen appoints Alexander Lord Hume to be warden, keeper and ruler of the bounds of the lordship of Liddesdale, with the usual powers. Dated at Linlithgow 12 August 1562.

314. Letters of Procuratory by Alexander Lord Home, constituting and appointing his kinsman Captain James Borthwick and those whom he names as substitutes, as procurators and factors with equal powers, to exact and obtain from the treasurer of the most Christian King of France, Lord Home's yearly pension of 2,000 livres ["librarum Turonensium"] granted annually to him by the said king, and payment thereof for the present year 1556; also to require payment of past years, and to grant acquittances. Dated at Edinburgh 7th January 1556–7. Mr. Alexander Crichton, rector of Abbotsrule and others, witnesses. Signed by Lord Home and two notaries. Seal attached.

315. Official copy of summons and execution indorsed, directed against Sir John Ker of Hirsell, who casting off his due obedience owed to the King [James the Sixth] "hes tressonablie maid bandis kepit conventicles and vnlauchfull assembleis and at last be himself his freindis, men, tenentis and seruandis takin armes and cum to the feildis aganis ws and oure authoritie, awayting to put thair tressonabill interprysis to executioun gif thay be not spedelie repressit"; for which reason Sir John is to be charged to appear before the Privy Council under the penalty of escheat. Letters of charge given under the signet at Edinburgh, 10 April 1589 and executed at Sir John's dwelling place, called Hirsell or Spylaw, on 12 April following.

316. Letters by King James the Sixth, constituting Alexander [sixth] Lord Home the undoubted and irrevocable commendator of the priory and abbacy of Coldingham, and in respect that the temporality of the same was annexed to the Crown, the King grants the benefice and commendatorship so far as regards the spirituality of the same, to Lord Home for the whole term of his life, being now vacant in the King's hands on account of the forfeiture of Francis [Stewart] sometime Earl of Bothwell and so by the disability of John [Stewart] last commendator of said priory, son of said Francis; and the priory and abbacy are granted with vote and place in parliament and with the privileges

belonging to the said priory, benefice and dignity of the same: With the churches, teindsheaves and other teinds belonging to the said spirituality free from all payment of the first year's fruits, the fifth penny yearly for monks portions, or of other imposts on the fruits of the benefice exigible from Lord Home during his life, notwithstanding any act of parliament or other statutes to the contrary: Commanding the Lords of Council Session and Exchequer to give Lord Home letters of horning to ensure payment of the rents of the priory. Given under the great seal, at Dalkeith, 10th August 1592.

317. Memoranda taken from Old Inventories of Home Writs of Charters which do not now appear in the possession of Lord Home, but of which a note may be interesting to historians.

Extracts from an Inventory dated 9th March 1637.

(1.) "Item ane chartour grantit be King William to William Home sone to Johne Home of the lands of Home and castell thairof." [1165–1214.]

(2.) "Item ane chartour grantit be King William to Robert of Cambray of the landis of Baligarnoche daittit primo December without the yeir of God."

(3.) "Item ane ratificatioun of George erll of Marche to George Inglis his armour beirar of the landis and possessiones of the toune and territorie of Grenlaw, seillit. Daittit 8 September 1422."

(4.) "Item ane band be Archibald [Douglas] Earl of Wigton [afterwards fifth Earl of Douglas] to Schir Alexander Home of that Ilk, of l^{m} nobles, daitit 9 February 1423." [1424.]

[These writs are not in an Inventory of 1679, which is the next in date of the whole papers.]

318. In addition to the Papal Bull by Nicolas the Fifth [No. 128 *supra*] confirming the erection of the church of Dunglas into a Provostry, the following writs are noted in an Inventory of date about 1710:—

"Item, Bull of Pope Nichole granting seven years and seven quartains [quarters] relaxation of pennances to such as yearly visit the colledge Kirk of Dunglass on the feast of Assumption &c. dated 2d January 1454 years."

"Item Bull by Pope Pius uniting the vicarage of Edrom and tithes thereof to the said collegiat church of Dunglass, dated 12th November 1459."

"Item Bull of Indulgence by Pope Pius to the colledge Kirk of Dunglass and remitting certain pennances to the persons that shall visit the said Kirk yearly at the feast of Assumption, dated the 12th of November 1459."

"Item Bull by the Pope [Paul II.] anent the possession of the Colledge Kirk of Dunglass dated at Rome the 13th of August 1470 years."

"Item Bull of Indulgence by Pope Sixtus to the Hospital of Dunglass, dated 5th August 1480 years."

WILLIAM FRASER.

Edinburgh, 32 Castle Street,
28th April 1890.

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